

THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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# **EXHIBIT A**

**U.S. District Court**  
**California Northern District (San Francisco)**  
**CRIMINAL DOCKET FOR CASE #: 3:08-cr-00307-MMC All Defendants**

Case title: USA v. Madjarian et al

Date Filed: 05/08/2008

Date Terminated: 03/09/2011

| <b>Date Filed</b> | <b>#</b>                  | <b>Docket Text</b>   |
|-------------------|---------------------------|--|
| 05/08/2008        | <a href="#"><u>1</u></a>  | INDICTMENT as to Sarkis Madjarian (1) count(s) 1, 2-14, 15-17, 18, 19, Artashes Ter Mkrtichyan (2) count(s) 1, 2-14, 15-17, 18, 19, Serge Zadikan (3) count(s) 1, 2-14, 15-17, 18, 19. (lskS, COURT STAFF) (Filed on 5/8/2008) (Entered: 05/09/2008) |
| 05/08/2008        | <a href="#"><u>2</u></a>  | Order to Seal Case as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan. Signed by Judge Magistrate Judge Edward M. Chen on 5/8/08. (lskS, COURT STAFF) (Filed on 5/8/2008) (Entered: 05/09/2008)  |
| 07/21/2008        | <a href="#"><u>3</u></a>  | Request to Set Motions and Trial Setting Conference by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan. (vlkS, COURT STAFF) (Filed on 7/21/2008) (Entered: 07/25/2008)  |
| 07/31/2008        | <a href="#"><u>4</u></a>  | Order to Unseal Case as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan. Signed by Judge Hon. Marilyn H. Patel on 7/30/2008. (vlkS, COURT STAFF) (Filed on 7/31/2008) (Entered: 08/04/2008)  |
| 07/31/2008        | <a href="#"><u>5</u></a>  | STIPULATION AND Protective ORDER re: Discovery of Personal and Financial Information as to Serge Zadikan. Signed by Judge Hon. Marilyn H. Patel on 7/30/2008. (vlkS, COURT STAFF) (Filed on 7/31/2008) (Entered: 08/04/2008)                         |
| 07/31/2008        | <a href="#"><u>6</u></a>  | STIPULATION AND Protective ORDER re: Discovery of Personal and Financial Information as to Serge Zadikan. Signed by Judge Hon. Marilyn H. Patel on 7/31/2008. (vlkS, COURT STAFF) (Filed on 7/31/2008) (Entered: 08/04/2008)                         |
| 07/31/2008        | <a href="#"><u>7</u></a>  | STIPULATION AND Protective ORDER re: Discovery of Personal and Financial Information as to Sarkis Madjarian. Signed by Judge Hon. Marilyn H. Patel on 7/31/2008. (vlkS, COURT STAFF) (Filed on 7/31/2008) (Entered: 08/04/2008)                      |
| 08/04/2008        | <a href="#"><u>8</u></a>  | Transfer document received from Central District of California as to Artashes Ter Mkrtichyan (vlkS, COURT STAFF) (Filed on 8/4/2008) (Entered: 08/04/2008)   |
| 08/04/2008        | <a href="#"><u>9</u></a>  | Transfer document received from Central District of California as to Sarkis Madjarian (vlkS, COURT STAFF) (Filed on 8/4/2008) (Entered: 08/04/2008)  |
| 08/05/2008        | <a href="#"><u>10</u></a> | ORDER OF RECUSAL; Signed by Judge Hon. Marilyn H. Patel on 8/1/2008. (awb, COURT-STAFF) (Filed on 8/5/2008) (Entered: 08/05/2008)  |

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| 08/06/2008 | <a href="#">11</a> | ORDER REASSIGNING CASE. Case as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan reassigned to Judge Hon. Maxine M. Chesney. Judge Hon. Marilyn H. Patel no longer assigned to the case. Signed by Executive Committee on 8/6/08. (ha, COURT STAFF) (Filed on 8/6/2008) (Entered: 08/06/2008)  |
| 09/03/2008 | <a href="#">12</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Status Conference as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 9/3/2008 Further Status Conference set for 11/5/2008 02:30 PM in Courtroom 7, 19th Floor, San Francisco. (Court Reporter Connie Kuhl.) (tl, COURT STAFF) (Filed on 9/3/2008) (Entered: 09/03/2008) |
| 10/03/2008 | <a href="#">13</a> | Proposed Order by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>[PROPOSED] ORDER AND STIPULATION EXCLUDING TIME FROM SEPTEMBER 3, 2008, TO NOVEMBER 5, 2008, FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(8)(A))</i> (Ault, Kirstin) (Filed on 10/3/2008) (Entered: 10/03/2008)   |
| 10/03/2008 | <a href="#">14</a> | ORDER EXCLUDING TIME FROM SEPTEMBER 3, 2008 TO NOVEMBER 5, 2008 FROM THE SPEEDY TRIAL ACT CALCULATION. Signed by Judge Maxine M. Chesney on October 3, 2008. (mmcl2, COURT STAFF) (Filed on 10/3/2008) (Entered: 10/03/2008)  |
| 10/31/2008 | <a href="#">15</a> | Proposed Order by Sarkis Madjarian as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>FOR REQUEST TO SCHEDULE AN INITIAL APPEARANCE BEFORE US DUTY MAGISTRATE JUDGE</i> (Attachments: # <a href="#">1</a> Proposed Order, # <a href="#">2</a> CERTIFICATE OF SERVICE)(Ghazarian, Garo) (Filed on 10/31/2008) (Entered: 10/31/2008)                 |
| 11/03/2008 | <a href="#">16</a> | ORDER as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan. Signed by Magistrate Judge Bernard Zimmerman on 11/3/2008. (bzsec, COURT STAFF) (Filed on 11/3/2008) (Entered: 11/03/2008)  |
| 11/03/2008 |                    | Initial Appearance set for 11/5/2008 01:30 PM as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadika before Magistrate Judge Bernard Zimmerman. (Entered: 11/04/2008)  |
| 11/05/2008 | <a href="#">17</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Status Conference as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 11/5/2008 Further Status Conference set for 12/12/2008 10:30 AM. (Court Reporter Catherine Edwards.) (tl, COURT STAFF) (Filed on 11/5/2008) (Entered: 11/05/2008)                                  |
| 11/05/2008 | <a href="#">18</a> | Minute Entry for proceedings held before Judge Magistrate Judge Bernard Zimmerman:Status Conference as to Serge Zadikan held on 11/5/2008. Status Conference set for 11/5/2008 02:30 PM. (Tape #1:33-1:39.) (vlk, COURT STAFF) (Filed on 11/5/2008) (Entered: 11/06/2008)   |
| 11/05/2008 | <a href="#">19</a> | Minute Entry for proceedings held before Judge Magistrate Judge Bernard Zimmerman:Status Conference as to Artashes Ter Mkrtichyan held on 11/5/2008. Status Conference set for 11/5/2008 02:30 PM. (Tape #1:33-1:39.) (vlk, COURT   |

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|            |                    | STAFF) (Filed on 11/5/2008) (Entered: 11/06/2008)  |
| 11/05/2008 | <a href="#">20</a> | Minute Entry for proceedings held before Judge Magistrate Judge Bernard Zimmerman:Status Conference as to Sarkis Madjarian held on 11/5/2008. Status Conference set for 11/5/2008 02:30 PM. (Tape #1:33-1:39.) (vlk, COURT STAFF) (Filed on 11/5/2008) (Entered: 11/06/2008)   |
| 11/05/2008 |                    | Minute Entry for proceedings held before Magistrate Judge Bernard Zimmerman:Initial Appearance as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 11/5/2008 (sv, COURT STAFF) (Filed on 11/5/2008) (Entered: 09/21/2009)   |
| 12/08/2008 | 21                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlkS, COURT STAFF) (Filed on 12/8/2008) (Entered: 12/12/2008)  |
| 12/08/2008 | 22                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlkS, COURT STAFF) (Filed on 12/8/2008) (Entered: 12/12/2008)  |
| 12/12/2008 | <a href="#">23</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Status Conference as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 12/12/2008 Defendants' Discovery Motion (s) Hearing set for 4/1/2009 02:30 PM. Status Conference set for 4/1/2009 02:30 PM. Responses due by 3/11/2009. Replies due by 3/18/2009. (Court Reporter Connie Kuhl.) (tl, COURT STAFF) (Filed on 12/12/2008) (Entered: 12/12/2008)   |
| 12/12/2008 | <a href="#">24</a> | Transcript of Proceedings as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 11-5-08, before Judge Maxine M. Chesney. Court Reporter/Transcriber Catherine Edwards, Telephone number (510) 886-2427. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 3/9/2009.(dj, COURT STAFF) (Filed on 12/12/2008) (Entered: 12/12/2008) |
| 12/15/2008 | <a href="#">25</a> | Proposed Order by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan [ <i>PROPOSED</i> ] <i>ORDER AND STIPULATION EXCLUDING TIME FROM NOVEMBER 5, 2008, TO DECEMBER 12, 2008, FROM THE SPEEDY TRIAL ACT CALCULATION (18 U.S.C. § 3161(h)(8)(A))</i> (Ault, Kirstin) (Filed on 12/15/2008) (Entered: 12/15/2008)  |
| 12/16/2008 | <a href="#">26</a> | <i>ORDER AND STIPULATION EXCLUDING TIME FROM NOVEMBER 5, 2008 TO DECEMBER 12, 2008, FROM THE SPEEDY TRIAL ACT CALCULATION.</i> Signed by Judge Maxine M. Chesney on December 16, 2008. (mmcl2, COURT STAFF) (Filed on 12/16/2008) (Entered: 12/16/2008)  |
| 02/18/2009 | <a href="#">27</a> | <i>NOTICE OF MANUAL FILING</i> by Sarkis Madjarian (Ghazarian, Garo) (Filed on 2/18/2009) (Entered: 02/18/2009)  |
| 02/18/2009 | <a href="#">28</a> | <i>NOTICE OF MANUAL FILING</i> by Serge Zadikan (Johnston, Thomas) (Filed on   |

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|            |                    | 2/18/2009) (Entered: 02/18/2009)   |
| 02/18/2009 | <a href="#">29</a> | Ex Parte APPLICATION For Order Allowing Defendant to File Under Seal; Supporting Declaration of Counsel Thomas V. Johnston as to Serge Zadikan (vlk, COURT STAFF) (Filed on 2/18/2009) (Entered: 02/19/2009) |
| 02/18/2009 | <a href="#">30</a> | NOTICE of Filing Under Seal by Serge Zadikan (vlk, COURT STAFF) (Filed on 2/18/2009) (Entered: 02/19/2009)   |
| 02/18/2009 | <a href="#">31</a> | NOTICE of under Seal Filing by Sarkis Madjarian (vlk, COURT STAFF) (Filed on 2/18/2009) (Entered: 02/19/2009)  |
| 02/23/2009 | <a href="#">32</a> | Order to Seal Document as to Sarkis Madjarian.. Signed by Judge Hon. Maxine M. Chesney on 2/23/2009. (tl, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/23/2009)  |
| 02/23/2009 | <a href="#">33</a> | Order to Seal Document as to Serge Zadikan.. Signed by Judge Hon. Maxine M. Chesney on 2/23/2009. (tl, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/23/2009)   |
| 02/23/2009 | 34                 | Sealed Document as to Sarkis Madjarian (vlkS, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/25/2009)  |
| 02/23/2009 | 35                 | Sealed Document as to Sarkis Madjarian (vlkS, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/25/2009)  |
| 02/23/2009 | 36                 | Sealed Document as to Serge Zadikan (vlkS, COURT STAFF) (Filed on 2/23/2009) (Entered: 02/25/2009)   |
| 03/11/2009 | 37                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlkS, COURT STAFF) (Filed on 3/11/2009) (Entered: 03/13/2009)  |
| 03/11/2009 | 38                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlkS, COURT STAFF) (Filed on 3/11/2009) (Entered: 03/13/2009)  |
| 03/11/2009 | 39                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlkS, COURT STAFF) (Filed on 3/11/2009) (Entered: 03/13/2009)  |
| 03/11/2009 | 40                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlkS, COURT STAFF) (Filed on 3/11/2009) (Entered: 03/13/2009)  |
| 03/11/2009 | 41                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlkS, COURT STAFF) (Filed on 3/11/2009) (Entered: 03/13/2009)  |
| 03/11/2009 | <a href="#">42</a> | Certificate of Service by Sarkis Madjarian as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (vlk, COURT STAFF) (Filed on 3/11/2009) (Entered: 03/17/2009)                                      |
| 03/18/2009 | <a href="#">43</a> | NOTICE OF MANUAL FILING by Sarkis Madjarian as to Sarkis Madjarian, Serge Zadikan (Ghazarian, Garo) (Filed on 3/18/2009) (Entered: 03/18/2009)   |
| 03/23/2009 | <a href="#">44</a> | Order to Seal Document as to Serge Zadikan. Signed by Judge Hon. Maxine M.   |



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|            |                    | Chesney on 3/23/2009. (tl, COURT STAFF) (Filed on 3/23/2009) (Entered: 03/23/2009)  |
| 03/23/2009 | 45                 | Sealed Document as to Serge Zadikan (vlkS, COURT STAFF) (Filed on 3/23/2009) (Entered: 03/25/2009)  |
| 03/23/2009 | 46                 | Sealed Document as to Sarkis Madjarian, Serge Zadikan (vlkS, COURT STAFF) (Filed on 3/23/2009) (Entered: 03/25/2009)  |
| 03/30/2009 | <a href="#">47</a> | MOTION for Ex Parte Application <i>EMERGENCY MOTION AND PROPOSED ORDER TO STAY COMPLIANCE WITH DEFENDANT'S RULE 17(c) SUBPOENA</i> by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan. Motion Hearing set for 4/1/2009 02:30 PM. (Attachments: # <a href="#">1</a> Exhibit Exhibit A, # <a href="#">2</a> Proposed Order Proposed Order)(Ault, Kirstin) (Filed on 3/30/2009) (Entered: 03/30/2009)   |
| 03/30/2009 | <a href="#">48</a> | ORDER TO SHOW CAUSE. Defendant Artashes Ter Mkrtichyan is ordered to show cause, in writing and no later than Tuesday, March 31, 2009 at 2:00 p.m., why the relief requested should not be granted. Signed by Judge Maxine M. Chesney on March 30, 2009. (mmcl2, COURT STAFF) (Filed on 3/30/2009) (Entered: 03/30/2009)  |
| 03/31/2009 | <a href="#">49</a> | RESPONSE to re <a href="#">47</a> Motion by Artashes Ter Mkrtichyan <i>Opposing Stay of Subpoena Compliance</i> (Attachments: # <a href="#">1</a> Exhibits)(Rosenbush, Mark) (Filed on 3/31/2009) Modified on 4/1/2009 (vlkS, COURT STAFF). (Entered: 03/31/2009)   |
| 03/31/2009 | <a href="#">50</a> | ORDER GRANTING PLAINTIFF'S MOTION TO STAY COMPLIANCE WITH SUBPOENA. The Custodian of Records need not appear at the April 1, 2009 hearing, and the documents subpoenaed need not be produced at such hearing. Signed by Judge Maxine M. Chesney on March 31, 2009. (mmcl2, COURT STAFF) (Entered: 03/31/2009)   |
| 04/01/2009 | <a href="#">51</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Motion Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 4/1/2009 re <a href="#">47</a> MOTION for ORDER TO STAY COMPLIANCE WITH DEFENDANT'S RULE 17(c) SUBPOENA. Defendants' Motion to Suppress Hearing set for 6/17/2009 02:30 PM, file by 5/6/2009, opposition due by 5/20/2009, reply due by 6/3/2009. (Court Reporter Belle Ball.) (tl, COURT STAFF) (Filed on 4/1/2009) (Entered: 04/02/2009) |
| 05/04/2009 | 52                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (lsk, COURT STAFF) (Filed on 5/4/2009) (Entered: 05/05/2009)   |
| 05/06/2009 | <a href="#">53</a> | NOTICE of Under Seal Filing by Artashes Ter Mkrtichyan (Rosenbush, Mark) (Filed on 5/6/2009) (Entered: 05/06/2009)  |
| 05/08/2009 | 54                 | Sealed Document as to Artashes Ter Mkrtichyan (lskS, COURT STAFF) (Filed on 5/8/2009) (Entered: 05/13/2009)   |
| 05/08/2009 | 55                 | Sealed Document as to Artashes Ter Mkrtichyan (lsk, COURT STAFF) (Filed on 5/8/2009) (Entered: 05/13/2009)  |



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| 05/08/2009 | 56                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (lsk, COURT STAFF) (Filed on 5/8/2009) (Entered: 05/13/2009)   |
| 06/03/2009 | <a href="#">57</a> | NOTICE of Under Seal Filing by Artashes Ter Mkrtichyan (Rosenbush, Mark) (Filed on 6/3/2009) (Entered: 06/03/2009)  |
| 06/05/2009 | 58                 | Sealed Document as to Artashes Ter Mkrtichyan (lsk, COURT STAFF) (Filed on 6/5/2009) (Entered: 06/10/2009)  |
| 06/05/2009 | 59                 | Sealed Document as to Artashes Ter Mkrtichyan (lsk, COURT STAFF) (Filed on 6/5/2009) (Entered: 06/10/2009)  |
| 06/05/2009 |                    | <b>Disregard no document number</b><br>Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (lsk, COURT STAFF) (Filed on 6/5/2009) Modified on 6/10/2009 (lsk, COURT STAFF). (Entered: 06/10/2009)  |
| 06/05/2009 | 60                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (lsk, COURT STAFF) (Filed on 6/5/2009) (Entered: 06/10/2009)   |
| 06/05/2009 | 61                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (lsk, COURT STAFF) (Filed on 6/5/2009) (Entered: 06/10/2009)   |
| 06/05/2009 | 62                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (lsk, COURT STAFF) (Filed on 6/5/2009) (Entered: 06/10/2009)   |
| 06/22/2009 | <a href="#">63</a> | Proposed Order by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>Proposed Order re: United States Motion to Schedule Hearing on Defendants Motion to Suppress Fruits of Illegal Wiretap on Grounds of Taint</i> (Attachments: # <a href="#">1</a> Signature Page (Declarations/Stipulations) Declaration of Kirstin M. Ault)(Ault, Kirstin) (Filed on 6/22/2009) (Entered: 06/22/2009) |
| 06/23/2009 | <a href="#">64</a> | Declaration of Counsel Thomas V. Johnston by Serge Zadikan as to Serge Zadikan <i>In Reply To United States' Motion To Schedule Hearing On Defendants' Motion To Suppress</i> (Johnston, Thomas) (Filed on 6/23/2009) (Entered: 06/23/2009)   |
| 06/29/2009 | <a href="#">65</a> | ORDER SETTING HEARING. The hearing on defendants' motion to suppress is continued to July 29, 2009 at 2:30 p.m. Signed by Judge Maxine M. Chesney on June 29, 2009. (mmclc2, COURT STAFF) (Filed on 6/29/2009) (Entered: 06/29/2009)  |
| 07/29/2009 | <a href="#">66</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Motion Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 7/29/2009 Status Conference set for 9/16/2009 02:30 PM. (Court Reporter James Yeomans.) (tl, COURT STAFF) (Filed on 7/29/2009) (Entered: 07/29/2009)   |
| 08/04/2009 | <a href="#">67</a> | Documents received from Central District of California (vfk, COURT STAFF) (Filed on 8/4/2009) (Entered: 08/04/2009)   |
| 09/16/2009 |                    | <b>Disregard - see <a href="#">68</a> for attachment</b><br>Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Defendants'  |

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|            |                    | 4th amendment motion(s) due by 10/14/09. Responses due by 11/4/2009. Replies due by 11/18/2009. Hearing on Defendants' 4th Amendment Motion(s) set for 12/2/2009 02:30 PM. Further Status Conference set for 12/2/2009 02:30 PM. (Court Reporter Catherine Edwards.) (tl, COURT STAFF) (Filed on 9/16/2009) Modified on 9/17/2009 (lsk, COURT STAFF). (Entered: 09/16/2009)  |
| 09/16/2009 | <a href="#">68</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Oral ruling on defendants' motion to suppress fruits of illegal wiretap as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 9/16/2009. Case continued to 12/2/09 at 2:30 p.m. for Further Status Conference & Hearing on Defendants' 4th Amendment Motion(s), file by 10/14/09; opposition due by 11/4/09; reply due by 11/18/09. (Court Reporter Catherine Edwards.) (tl, COURT STAFF) (Filed on 9/16/2009) (Entered: 09/17/2009) |
| 10/14/2009 | <a href="#">69</a> | MOTION to Suppress <i>Evidence - Warrantless Car Search</i> by Artashes Ter Mkrtichyan. Motion Hearing set for 12/2/2009 02:30 PM. (Attachments: # <a href="#">1</a> Exhibit) (Rosenbush, Mark) (Filed on 10/14/2009) (Entered: 10/14/2009)  |
| 11/04/2009 | <a href="#">70</a> | Proposed Order by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>United States Unopposed Motion to File Its Opposition to Defendants Motion to Suppress Evidence One Day Late, and [Proposed] Order</i> (Attachments: # <a href="#">1</a> Signature Page (Declarations/Stipulations) Declaration of AUSA Kirstin M. Ault) (Ault, Kirstin) (Filed on 11/4/2009) (Entered: 11/04/2009)  |
| 11/04/2009 | <a href="#">71</a> | ORDER GRANTING UNITED STATES' UNOPPOSED MOTION TO FILE ITS OPPOSITION TO DEFENDANTS' MOTION TO SUPPRESS EVIDENCE ONE DAY LATE. Said opposition, originally due November 4, 2009, may be filed on November 5, 2009. Signed by Judge Maxine M. Chesney on November 4, 2009. (mmcl2, COURT STAFF) (Filed on 11/4/2009) (Entered: 11/04/2009)  |
| 11/04/2009 | <a href="#">72</a> | ORDER DIRECTING DEFENDANT TO SUBMIT CHAMBERS COPY IN COMPLIANCE WITH GENERAL ORDER 45 OF HIS MOTION TO SUPPRESS EVIDENCE, FILED OCTOBER 14, 2009. Signed by Judge Maxine M. Chesney on November 4, 2009. (mmcl2, COURT STAFF) (Filed on 11/4/2009) (Entered: 11/04/2009)   |
| 11/05/2009 | <a href="#">73</a> | RESPONSE to Motion 69 by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>UNITED STATES' OPPOSITION TO DEFENDANTS' MOTION TO SUPPRESS FRUITS OF TRAFFIC STOP</i> (Ault, Kirstin) (Filed on 11/5/2009) Modified on 11/9/2009 (sv, COURT STAFF). (Entered: 11/05/2009)  |
| 11/05/2009 | <a href="#">74</a> | DECLARATION by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (Ault, Kirstin) (Filed on 11/5/2009) (Entered: 11/05/2009)   |
| 11/05/2009 | <a href="#">75</a> | DECLARATION of OFFICER MICHAEL HUBBARD in Opposition to <a href="#">74</a> Declaration in Opposition, <a href="#">73</a> Response to Motion by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>Exhibit 1 to Second Declaration of Officer Michael Hubbard</i> (Ault, Kirstin) (Filed on 11/5/2009) (Entered: 11/05/2009)   |
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| 11/05/2009 | <a href="#">76</a> | DECLARATION of Officer Michael Hubbard in Opposition to <a href="#">74</a> Declaration in Opposition, <a href="#">75</a> Declaration in Opposition, <a href="#">73</a> Response to Motion by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>Exhibit 2 to Second Declaration of Officer Michael Hubbard</i> (Ault, Kirstin) (Filed on 11/5/2009) (Entered: 11/05/2009)                          |
| 11/18/2009 | <a href="#">77</a> | REPLY TO RESPONSE <a href="#">73</a> to Motion by Artashes Ter Mkrtichyan <i>to Suppress Evidence of Car Search</i> (Attachments: # <a href="#">1</a> Exhibit)(Rosenbush, Mark) (Filed on 11/18/2009) Modified on 11/19/2009 (sv, COURT STAFF). (Entered: 11/18/2009)   |
| 12/02/2009 | <a href="#">78</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Motion Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 12/2/2009 re 69 MOTION to Suppress <i>Evidence - Warrantless Car Search</i> filed by Artashes Ter Mkrtichyan Evidentiary Hearing set for 2/5/2010 02:00 PM. (Court Reporter Sarah Goekler.) (tl, COURT STAFF) (Filed on 12/2/2009) (Entered: 12/02/2009) |
| 01/05/2010 | <a href="#">79</a> | Proposed Order by Artashes Ter Mkrtichyan <i>and Application for Issuance of Subpoena Duces Tecum</i> (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Proposed Order)(Rosenbush, Mark) (Filed on 1/5/2010) (Entered: 01/05/2010)   |
| 01/07/2010 | <a href="#">80</a> | ORDER AUTHORIZING PRE-HEARING PRODUCTION OF SUBPOENA DUCES TECUM MATERIALS. Signed by Judge Maxine M. Chesney on January 7, 2010. (mmcl1, COURT STAFF) (Filed on 1/7/2010) (Entered: 01/07/2010)  |
| 01/26/2010 | <a href="#">81</a> | Ex Parte MOTION to Continue <i>Evidentiary Hearing Date from 2/5/10 to 4/16/10 at 2:00 p.m.</i> by Serge Zadikan. Motion Hearing set for 2/5/2010 02:00 PM in Courtroom 7, 19th Floor, San Francisco. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Proposed Order)(Johnston, Thomas) (Filed on 1/26/2010) (Entered: 01/26/2010)     |
| 02/02/2010 | <a href="#">82</a> | ORDER GRANTING EXPEDITED EX PARTE MOTION OF DEFENDANT ZADIKIAN TO CONTINUE DATE FOR EVIDENTIARY HEARING. The hearing currently scheduled for February 5, 2010 is continued to April 23, 2010, at 2:00 p.m. Signed by Judge Maxine M. Chesney on February 2, 2010. (mmcl1, COURT STAFF) (Filed on 2/2/2010) (Entered: 02/02/2010)  |
| 04/02/2010 | <a href="#">83</a> | Ex Parte MOTION for Protective Order by Artashes Ter Mkrtichyan. (Attachments: # <a href="#">1</a> Proposed Order)(Rosenbush, Mark) (Filed on 4/2/2010) (Entered: 04/02/2010)   |
| 04/06/2010 | <a href="#">84</a> | PROTECTIVE ORDER RE: SUBPOENED MATERIALS PRODUCED BY CALIFORNIA HIGHWAY PATROL. Signed by Judge Maxine M. Chesney on April 6, 2010. (mmcl1, COURT STAFF) (Entered: 04/06/2010)  |
| 04/20/2010 | <a href="#">85</a> | Ex Parte MOTION to Continue <i>Date for Evidentiary Hearing currently scheduled on 4/23/10</i> by Sarkis Madjarian. (Attachments: # <a href="#">1</a> Proposed Order)(Ghazarian, Garo) (Filed on 4/20/2010) (Entered: 04/20/2010)   |
| 04/21/2010 | <a href="#">86</a> | Memorandum In Opposition to <i>Defendants Motion for Continuance</i> <a href="#">85</a> by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (Ault, Kirstin) (Filed on 4/21/2010) Modified on 4/22/2010 (sv, COURT STAFF). (Entered: 04/21/2010)   |

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| 04/21/2010 | <a href="#">87</a> | Declaration in Support of <a href="#">86</a> Memorandum In Opposition by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (Ault, Kirstin) (Filed on 4/21/2010) (Entered: 04/21/2010)  |
| 04/21/2010 | <a href="#">88</a> | ORDER CONTINUING HEARING. The hearing on defendants' motion to suppress is continued from April 23, 2010 to May 14, 2010, at 2:00 p.m. Signed by Judge Maxine M. Chesney on April 21, 2010. (mmck1, COURT STAFF) (Entered: 04/21/2010)  |
| 05/14/2010 | <a href="#">89</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Evidentiary Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 5/14/2010 Evidentiary Hearing set for 6/2/2010 09:00 AM. and for 6/3/2010 09:00 AM. (Court Reporter Christine Triska.) (Attachments: # <a href="#">1</a> Appendix Evidentiary Hearing Exhibit & Witness List Log) (tl, COURT STAFF) (Filed on 5/14/2010) (Entered: 05/17/2010)   |
| 05/19/2010 | <a href="#">90</a> | NOTICE OF ATTORNEY APPEARANCE Peter Benjamin Axelrod appearing for USA. (Axelrod, Peter) (Filed on 5/19/2010) (Entered: 05/19/2010)   |
| 05/25/2010 | <a href="#">91</a> | NOTICE OF ASSOCIATION OF COUNSEL by Sarkis Madjarian (Braun, Harland) (Filed on 5/25/2010) (Entered: 05/25/2010)  |
| 05/26/2010 | <a href="#">92</a> | Transcript of Proceedings as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on May 14, 2010, before Judge Maxine M. Chesney. Court Reporter/Transcriber Christine A. Triska, CSR 12826, RPR, Telephone number 650-743-8425; christinetrisca@sbcglobal.net. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 8/24/2010.(cat, COURT STAFF) (Filed on 5/26/2010) (Entered: 05/26/2010) |
| 06/02/2010 | <a href="#">93</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Evidentiary Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 6/2/2010 Continued Evidentiary Hearing set for 6/3/2010 09:00 AM. (Court Reporter Katherine Powell.) (Attachments: # <a href="#">1</a> Appendix Exhibit & Witness Log) (tl, COURT STAFF) (Filed on 6/2/2010) (Entered: 06/04/2010)   |
| 06/03/2010 | <a href="#">94</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Continued Evidentiary Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 6/3/2010 Final Evidentiary Hearing set for 9/10/2010 01:30 PM, Courtroom 7, 19th Floor, San Francisco before Hon. Judge Maxine M. Chesney. (Court Reporter Lydia Zinn.) (Attachments: # <a href="#">1</a> Appendix Exhibit & Witness Log) (tl, COURT STAFF) (Filed on 6/3/2010). (Entered: 06/04/2010)   |
| 06/14/2010 | <a href="#">95</a> | Transcript of Proceedings as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on June 2, 2010, before Judge Maxine M. Chesney. Court Reporter/Transcriber Katherine Powell Sullivan, RPR, CRR, CSR, Telephone number  |



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|            |                     | 415-794-6659/Katherine_Sullivan@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 9/13/2010.(Sullivan, Katherine) (Filed on 6/14/2010) (Entered: 06/14/2010)   |
| 06/15/2010 | <a href="#">96</a>  | Transcript of Proceedings as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 06/03/2010, before Judge Maxine M. Chesney. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 9/13/2010.(Zinn, Lydia) (Filed on 6/15/2010) (Entered: 06/15/2010) |
| 06/15/2010 |                     | Exhibit(s) Location on shelf 18. USA: Exhibits 1,2,3, and 5 Defendant: Exhibits B,B1, and C (sv, COURT STAFF) (Filed on 6/15/2010) (Entered: 06/16/2010)   |
| 07/08/2010 | 97                  | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (svS, COURT STAFF) (Filed on 7/8/2010) (Entered: 07/08/2010)  |
| 07/08/2010 | 98                  | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (svS, COURT STAFF) (Filed on 7/8/2010) (Entered: 07/08/2010)  |
| 07/16/2010 | <a href="#">99</a>  | MOTION to Suppress <i>Post Hearing Brief by Defendants</i> by Artashes Ter Mkrtichyan. Motion Hearing set for 9/10/2010 01:30 PM. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit)(Rosenbush, Mark) (Filed on 7/16/2010) (Entered: 07/16/2010)  |
| 07/30/2010 | <a href="#">100</a> | Memorandum In Opposition to <i>Defendants Motion to Suppress Fruits of Traffic Stop</i> by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (Ault, Kirstin) (Filed on 7/30/2010) (Entered: 07/30/2010)   |
| 07/30/2010 | <a href="#">101</a> | MOTION to Continue <i>POST-HEARING ARGUMENT</i> by Sarkis Madjarian. Motion Hearing set for 9/10/2010 01:30 PM. (Attachments: # <a href="#">1</a> Proposed Order To Continue Post-Hearing Argument Date from September 10, 2010, to September 17, 2010) (Braun, Harland) (Filed on 7/30/2010) (Entered: 07/30/2010)  |
| 08/03/2010 | <a href="#">102</a> | Memorandum in Opposition by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan to <i>Defendants Motion for Continuance</i> <a href="#">101</a> (Ault, Kirstin) (Filed on 8/3/2010) Modified on 8/4/2010 (sv, COURT STAFF). (Entered: 08/03/2010)   |
| 08/04/2010 | <a href="#">103</a> | Exhibits <i>One and Two</i> by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan re <a href="#">102</a> Memorandum in Opposition (Ault, Kirstin) (Filed on 8/4/2010) (Entered: 08/04/2010)  |

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| 08/05/2010 | <a href="#">104</a> | ORDER DENYING <a href="#">101</a> DEFENDANT MADJARIAN'S MOTION TO CONTINUE POST-HEARING ARGUMENT; AFFORDING DEFENDANT OPPORTUNITY TO PROPOSE ALTERNATIVE DATE.Signed by Judge Maxine M. Chesney on August 5, 2010. (mmcsec, COURT STAFF) (Entered: 08/05/2010)  |
| 08/12/2010 | <a href="#">105</a> | MOTION to Continue <i>ADVANCE POST-HEARING ARGUMENT TO 9/3/2010 01:30 PM</i> by Sarkis Madjarian. Motion Hearing set for 9/10/2010 01:30 PM. (Attachments: # <a href="#">1</a> Proposed Order to Advance Post-Hearing Argument)(Braun, Harland) (Filed on 8/12/2010) (Entered: 08/12/2010)  |
| 08/13/2010 | <a href="#">106</a> | ORDER GRANTING STIPULATION TO ADVANCE HEARING. The parties' stipulation to advance the hearing scheduled for September 10, 2010 to September 3, 2010 is granted. Signed by Judge Hon. Maxine M. Chesney on August 13, 2010. (mmcl2, COURT STAFF) (Filed on 8/13/2010) (Entered: 08/13/2010)   |
| 08/13/2010 | <a href="#">107</a> | MEMORANDUM <i>In Reply re Post Hearing Briefing (Suppression Motion)</i> by Artashes Ter Mkrtichyan (Rosenbush, Mark) (Filed on 8/13/2010) (Entered: 08/13/2010)  |
| 09/03/2010 | <a href="#">108</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Evidentiary Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 9/3/2010 Further Status Conference or Trial Setting Hearing set for 9/29/2010 02:30 PM before Hon. Maxine M. Chesney. (Court Reporter James Yeomans.) (tl, COURT STAFF) (Filed on 9/3/2010) (Entered: 09/07/2010)  |
| 09/29/2010 | <a href="#">109</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Trial Setting Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 9/29/2010 Discovery due by 11/18/2010. Jury Selection set for 1/13/2011 09:00AM. Jury Trial (3 weeks)set for 1/18/2011 08:30 AM. In Limine Motion Hearing set for 1/4/2011 03:00 PM. Pretrial Conference set for 1/4/2011 03:00 PM. Status Conference set for 11/3/2010 02:30 PM. (Court Reporter Catherine Edwards.) (tl, COURT STAFF) (Filed on 9/29/2010) (Entered: 09/30/2010) |
| 10/06/2010 | <a href="#">110</a> | ORDER FOR CRIMINAL PRETRIAL PREPARATION as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan. Signed by Judge Hon. Maxine M. Chesney on 10/4/2010. (Attachments: # <a href="#">1</a> Appendix Exhibit Tags, # <a href="#">2</a> Appendix Exhibit List) (tl, COURT STAFF) (Filed on 10/6/2010) (Entered: 10/06/2010)   |
| 11/01/2010 | <a href="#">111</a> | Statement by Serge Zadikan <i>re Status Conference - Submitted by Thomas V. Johnston</i> (Rosenbush, Mark) (Filed on 11/1/2010) (Entered: 11/01/2010)   |
| 11/03/2010 | <a href="#">112</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney:Status Conference as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 11/3/2010. Case referred to Magistrate Judge Joseph C. Spero for exploration of settlement-to be held as soon as his calendar will permit. (Court Reporter Margo Gurule.) (tl, COURT STAFF) (Filed on 11/3/2010) (Entered: 11/03/2010)   |
| 11/03/2010 |                     | Case as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan Referred to Magistrate Judge Joseph C. Spero for settlement. (sis, COURT STAFF) (Filed on   |

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|            |                     | 11/3/2010) (Entered: 11/03/2010)  |
| 11/03/2010 |                     | Case as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan Referred to Magistrate Judge Magistrate Judge Joseph C. Spero for settlement exploration - to be held as soon as his calendar will permit. (tl, COURT STAFF) (Filed on 11/3/2010) (Entered: 11/03/2010)   |
| 11/05/2010 | <a href="#">113</a> | Notice of Reference and Order Setting Settlement Conference before Magistrate Judge Joseph C. Spero. Settlement Conference set for 11/22/2010 at 09:30 AM in Courtroom A, 15th Floor, San Francisco. Signed by Judge Magistrate Judge Joseph C. Spero on 11/4/10. (klh, COURT STAFF) (Filed on 11/5/2010) (Entered: 11/05/2010)   |
| 11/15/2010 | <a href="#">114</a> | <b>***FILED IN ERROR. DOCUMENT LOCKED. NO NEW DOCUMENT TO BE FILED ***</b> Statement by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan <i>SETTLEMENT CONFERENCE STATEMENT</i> (Ault, Kirstin) (Filed on 11/15/2010) Modified on 11/15/2010 (klh, COURT STAFF). (Entered: 11/15/2010)  |
| 11/17/2010 | <a href="#">115</a> | NOTICE of Intent to Use Evidence by Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (Newman, Thomas) (Filed on 11/17/2010) (Entered: 11/17/2010)   |
| 11/22/2010 | <a href="#">116</a> | Minute Entry for proceedings held before Judge Magistrate Judge Joseph C. Spero: Settlement Conference as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 11/22/2010. (Court Reporter Not reported.) (klh, COURT STAFF) (Filed on 11/22/2010) (Entered: 11/22/2010)   |
| 12/02/2010 | <a href="#">117</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Terminate Deadlines and Hearings as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan: <a href="#">110</a> Pretrial Order,, Change of Plea Hearing as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan held on 12/2/2010, Plea entered by Sarkis Madjarian (1) Guilty Count 1,2-14 and Artashes Ter Mkrtichyan (2) Guilty Count 1,2-14 and Serge Zadikan (3) Guilty Count 1,2-14. Artashes Ter Mkrtichyan's Sentencing set for 3/2/2011 02:30 PM before Hon. Maxine M. Chesney. Sarkis Madjarian & Serge Zadikian's Sentencings set for 3/9/2011 02:30 PM before Hon. Maxine M. Chesney. (Court Reporter Debra Pas.) (tl, COURT STAFF) (Filed on 12/2/2010) (Entered: 12/03/2010) |
| 12/03/2010 | <a href="#">118</a> | PLEA AGREEMENT as to Artashes Ter Mkrtichyan (tl, COURT STAFF) (Filed on 12/3/2010) (Entered: 12/03/2010)   |
| 12/03/2010 | <a href="#">119</a> | PLEA AGREEMENT as to Serge Zadikan (tl, COURT STAFF) (Filed on 12/3/2010) (Entered: 12/03/2010)   |
| 12/03/2010 | <a href="#">120</a> | PLEA AGREEMENT as to Sarkis Madjarian (tl, COURT STAFF) (Filed on 12/3/2010) (Entered: 12/03/2010)  |
| 01/07/2011 | <a href="#">121</a> | Pretrial Services Form 8 by Amaryllis Gonzalez as to Artashes Ter Mkrtichyan for Bond Modification. Signed by Magistrate Judge Bernard Zimmerman on 1/6/2011. (ahy, COURT STAFF) (Filed on 1/7/2011) (Entered: 01/07/2011)  |



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| 01/26/2011 | <a href="#">122</a> | NOTICE OF ATTORNEY APPEARANCE Natalie Kay Wight appearing for USA. (Wight, Natalie) (Filed on 1/26/2011) (Entered: 01/26/2011)   |
| 01/26/2011 | <a href="#">123</a> | NOTICE of Under Seal Filing and Certificate of Service by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (Wight, Natalie) (Filed on 1/26/2011) (Entered: 01/26/2011)   |
| 01/31/2011 | <a href="#">124</a> | ORDER RE: UNITED STATES' APPLICATION TO SEAL MOTION FOR ISSUANCE OF SUBPOENAS DUCES TECUM. The United States' Proposed Order for Issuance of Subpoenas Duces Tecum, exhibits to the Declaration of Denise E. Biehn, and the Court's Order for Issuance of Subpoena Duces Tecum shall be sealed until further order of the Court; except that copies of the documents may be provided to employees of the United States Attorney's Office for use in the sentencing proceedings. The Declaration of Denise E. Biehn, without the attached exhibits, and all other documents submitted with the Application and not discussed above shall be filed in the public record, in accordance with Civil Local Rule 79-5. Signed by Judge Hon. Maxine M. Chesney on 1/31/11. (mmclc2, COURT STAFF) (Filed on 1/31/2011) (Entered: 01/31/2011) |
| 01/31/2011 | 126                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (svS, COURT STAFF) (Filed on 1/31/2011) (Entered: 02/02/2011)   |
| 01/31/2011 | 127                 | Sealed Document as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (svS, COURT STAFF) (Filed on 1/31/2011). (Entered: 02/02/2011)  |
| 02/01/2011 | <a href="#">125</a> | NOTICE , Motion, and Declaration in Support of Issuance of Subpoenas Duces Tecum by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan (Attachments: # <a href="#">1</a> Affidavit Declaration of Special Agent Denise E. Biehn)(Wight, Natalie) (Filed on 2/1/2011) (Entered: 02/01/2011)   |
| 02/02/2011 | <a href="#">128</a> | Arrest Warrant Returned Executed on 6/19/08 as to Serge Zadikan. (sv, COURT STAFF) (Filed on 2/2/2011) (Entered: 02/02/2011)   |
| 02/02/2011 | <a href="#">129</a> | Arrest Warrant Returned Executed on 7/23/08 as to Sarkis Madjarian. (sv, COURT STAFF) (Filed on 2/2/2011) (Entered: 02/02/2011)  |
| 02/02/2011 | <a href="#">130</a> | Arrest Warrant Returned Executed on 7/23/08 as to Artashes Ter Mkrtichyan. (sv, COURT STAFF) (Filed on 2/2/2011) (Entered: 02/02/2011)   |
| 02/03/2011 | <a href="#">131</a> | NOTICE of Non Opposition to Government's Request for Issuance of Subpoenas Duces Tecum <a href="#">125</a> by Artashes Ter Mkrtichyan (Rosenbush, Mark) (Filed on 2/3/2011). (Entered: 02/03/2011)   |
| 02/08/2011 | <a href="#">132</a> | Pretrial Services Form 8 by Rich Sarlatte as to Serge Zadikan for Bond Modification. Signed by Magistrate Judge Bernard Zimmerman on 2/7/2011. (ahy, COURT STAFF) (Filed on 2/8/2011) (Entered: 02/08/2011)  |
| 02/08/2011 | <a href="#">133</a> | NOTICE of Substitution of Attorney as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikan Notice of Removal of Counsel, Assistant U.S. Attorney Peter Axelrod for the Plaintiff (Axelrod, Peter) (Filed on 2/8/2011) (Entered: 02/08/2011)   |

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| 02/11/2011 | <a href="#">134</a> | Pretrial Services Form 8 by Rich Sarlatte as to Serge Zadikan for Bail Review Hearing. Bond Hearing set for 2/23/2011 01:30 PM in Courtroom G, 15th Floor, San Francisco before Magistrate Judge Bernard Zimmerman. Signed by Magistrate Judge Bernard Zimmerman on 2/10/2011. (ahy, COURT STAFF) (Filed on 2/11/2011) (Entered: 02/11/2011)   |
| 02/18/2011 | <a href="#">135</a> | Pretrial Services Form 8 by Amaryllis Gonzalez as to Artashes Ter Mkrtichyan for no action at this time. Signed by Magistrate Judge Bernard Zimmerman on 2/17/2011. (ahy, COURT STAFF) (Filed on 2/18/2011) (Entered: 02/18/2011)  |
| 02/22/2011 | <a href="#">136</a> | SENTENCING MEMORANDUM by Artashes Ter Mkrtichyan (Rosenbush, Mark) (Filed on 2/22/2011) (Entered: 02/22/2011)  |
| 02/23/2011 | <a href="#">137</a> | SENTENCING MEMORANDUM by USA as to Artashes Ter Mkrtichyan (Ault, Kirstin) (Filed on 2/23/2011) (Entered: 02/23/2011)  |
| 02/24/2011 | <a href="#">138</a> | Minute Entry for proceedings held before Magistrate Judge Bernard Zimmerman: Bond Hearing as to Serge Zadikan held on 2/23/2011. (FTR 2:18-2:51) (ahy, COURT STAFF) (Filed on 2/24/2011) Modified on 2/24/2011 (ahy, COURT STAFF). (Entered: 02/24/2011)   |
| 02/24/2011 | <a href="#">139</a> | Pretrial Services Form 8 by Rich Sarlatte as to Serge Zadikan for Bond Modification. Signed by Magistrate Judge Bernard Zimmerman on 2/24/2011. (ahy, COURT STAFF) (Filed on 2/24/2011) (Entered: 02/24/2011)  |
| 03/02/2011 | <a href="#">140</a> | SENTENCING MEMORANDUM by USA as to Serge Zadikian (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E)(Ault, Kirstin) (Filed on 3/2/2011) (Entered: 03/02/2011)  |
| 03/02/2011 | <a href="#">141</a> | SENTENCING MEMORANDUM by USA as to Sarkis Madjarian (Ault, Kirstin) (Filed on 3/2/2011) (Entered: 03/02/2011)  |
| 03/02/2011 | <a href="#">142</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Sentencing held as to defendant Artashes Ter Mkrtichyan. 46 months in custody; 3 years supervised release; special assessment \$1,400.00; Restitution: \$114,444.00; Self surrender date: May 4, 2011. (see judgment for additional conditions). (Court Reporter Belle Ball.) (tl, COURT STAFF) (Filed on 3/2/2011) (Entered: 03/03/2011) |
| 03/03/2011 | <a href="#">143</a> | ORDER FOR VOLUNTARY SURRENDER as to Artashes Ter Mkrtichyan, Wednesday, May 4, 2011. Signed by Judge Hon. Maxine M. Chesney on 3/2/2011. (tl, COURT STAFF) (Filed on 3/3/2011) (Entered: 03/03/2011)   |
| 03/04/2011 | <a href="#">144</a> | RESPONSE 141 by Serge Zadikian to <i>United States' Sentencing Memorandum</i> (Johnston, Thomas) (Filed on 3/4/2011) Modified on 3/7/2011 (sv, COURT STAFF). (Entered: 03/04/2011)   |
| 03/07/2011 | <a href="#">145</a> | Sealing Order - General Order 54 as to Artashes Ter Mkrtichyan.. Signed by Judge Hon. Maxine M. Chesney on 3/4/2011. (tlS, COURT STAFF) (Filed on 3/7/2011) (Entered: 03/07/2011)  |
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|------------|---------------------|--|
| 03/07/2011 | <a href="#">146</a> | JUDGMENT in a Criminal Case as to Artashes Ter Mkrtichyan. Signed by Judge Hon. Maxine M. Chesney on 3/4/2011. (tlS, COURT STAFF) (Filed on 3/7/2011) (Additional attachment(s) added on 3/7/2011: # <a href="#">1</a> Victim's List) (tlS, COURT STAFF). (Entered: 03/07/2011)  |
| 03/09/2011 | <a href="#">147</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Sentencing held on 3/9/2011 for Sarkis Madjarian (1), Count(s) 1, 2 through 14, 46 months in custody; 3 years supervised release; no fine; \$1,400.00 special assessment; \$114,444.00 restitution; (see judgment for additional conditions).. (Court Reporter Debra Pas.) (tlS, COURT STAFF) (Filed on 3/9/2011) (Entered: 03/10/2011) |
| 03/09/2011 | <a href="#">148</a> | ORDER FOR VOLUNTARY SURRENDER as to Sarkis Madjarian: Wednesday, May 11, 2011 on or before 2:00 p.m. or to U.S. Marshal in the Central District of California. Signed by Judge Hon. Maxine M. Chesney on 3/9/2011. (tlS, COURT STAFF) (Filed on 3/9/2011) (Entered: 03/10/2011)  |
| 03/09/2011 | <a href="#">149</a> | Minute Entry for proceedings held before Judge Hon. Maxine M. Chesney: Sentencing held on 3/9/2011 for Serge Zadikian (3), Count(s) 1, 2 through 14, 46 months in custody; 3 years supervised release; no fine; \$1,400.00 special assessment; \$114,444.00 restitution; (see judgment for additional conditions).. (Court Reporter Debra Pas.) (tlS, COURT STAFF) (Filed on 3/9/2011) (Entered: 03/10/2011)   |
| 03/09/2011 | <a href="#">150</a> | ORDER FOR VOLUNTARY SURRENDER as to Serge Zadikian, Wednesday, March 23, 2011 at 2:00 p.m. to federal institution or to U.S. Marshal in the Central District of California. Signed by Judge Hon. Maxine M. Chesney on 3/9/2011. (tlS, COURT STAFF) (Filed on 3/9/2011) (Entered: 03/10/2011)   |
| 03/11/2011 | <a href="#">151</a> | Pretrial Services Form 8 by Amaryllis Gonzalez as to Sarkis Madjarian for Bond Modifications. Signed by Magistrate Judge Bernard Zimmerman on 3/11/2011. (ahy, COURT STAFF) (Filed on 3/11/2011) (Entered: 03/11/2011)   |
| 03/16/2011 | <a href="#">152</a> | Sealing Order - General Order 54 as to Sarkis Madjarian.. Signed by Judge Hon. Maxine M. Chesney on 3/14/2011. (tlS, COURT STAFF) (Filed on 3/16/2011) (Entered: 03/16/2011)   |
| 03/16/2011 | <a href="#">153</a> | Sealing Order - General Order 54 as to Serge Zadikian.. Signed by Judge Hon. Maxine M. Chesney on 3/14/2011. (tlS, COURT STAFF) (Filed on 3/16/2011) (Entered: 03/16/2011)   |
| 03/16/2011 | <a href="#">154</a> | PAYMENT RECORD CARD : payment of Special Assessment in the amount of \$1,400.00 paid in full on 3/9/11 on behalf of Sarkis Madjarian (sv, COURT STAFF) (Filed on 3/16/2011) (Entered: 03/16/2011)  |
| 03/16/2011 | <a href="#">155</a> | JUDGMENT in a Criminal Case as to Sarkis Madjarian. Signed by Judge Hon. Maxine M. Chesney on 3/14/2011. (tlS, COURT STAFF) (Filed on 3/16/2011) (Additional attachment(s) added on 3/17/2011: # <a href="#">1</a> Appendix Victim's List) (tlS, COURT STAFF). (Entered: 03/16/2011)   |
| 03/16/2011 | <a href="#">156</a> | JUDGMENT in a Criminal Case as to Serge Zadikian. Signed by Judge Hon. Maxine M. Chesney on 3/14/2011. (tlS, COURT STAFF) (Filed on 3/16/2011) (Additional   |

|            |                     |  |
|------------|---------------------|--|
|            |                     | attachment(s) added on 3/17/2011: # <a href="#">1</a> Affidavit Victim's List) (tlS, COURT STAFF). (Entered: 03/16/2011)   |
| 03/29/2011 | <a href="#">157</a> | CLERKS NOTICE VACATING BOND HEARING (ahy, COURT STAFF) (Filed on 3/29/2011) (Entered: 03/29/2011)  |
| 07/27/2011 | <a href="#">158</a> | Judgment Returned Executed as to Artashes Ter Mkrtichyan on 5/17/11. (sv, COURT STAFF) (Filed on 7/27/2011) (Entered: 07/28/2011)  |
| 09/15/2011 | <a href="#">159</a> | STIPULATION <i>and Motion for Amended Restitution Order</i> by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikian (Attachments: # <a href="#">1</a> Exhibit Amended Victim Restitution List)(Wight, Natalie) (Filed on 9/15/2011) (Entered: 09/15/2011) |
| 09/15/2011 | <a href="#">160</a> | Proposed Order by USA as to Sarkis Madjarian, Artashes Ter Mkrtichyan, Serge Zadikian (Attachments: # <a href="#">1</a> Exhibit Amended Victim Restitution List)(Wight, Natalie) (Filed on 9/15/2011) (Entered: 09/15/2011)  |
| 09/16/2011 | <a href="#">161</a> | AMENDED RESTITUTION ORDER. Signed by Judge Maxine M. Chesney on September 16, 2011. (mmcl2, COURT STAFF) (Filed on 9/16/2011) (Entered: 09/16/2011)  |
| 02/27/2012 | <a href="#">162</a> | AMENDED JUDGMENT as to Sarkis Madjarian. Signed by Judge Hon. Maxine M. Chesney on 2/24/12. (Attachments: # <a href="#">1</a> Appendix Amended Victim Restitution List) (tlS, COURT STAFF) (Filed on 2/27/2012) (Entered: 02/27/2012)                                    |
| 02/27/2012 | <a href="#">163</a> | AMENDED JUDGMENT as to Artashes Ter Mkrtichyan. Signed by Judge Hon. Maxine M. Chesney on 2/24/12. (Attachments: # <a href="#">1</a> Appendix Amended Victim Restitution List) (tlS, COURT STAFF) (Filed on 2/27/2012) (Entered: 02/27/2012)                             |
| 02/27/2012 | <a href="#">164</a> | AMENDED JUDGMENT as to Serge Zadikian. Signed by Judge Hon. Maxine M. Chesney on 2/24/12. (Attachments: # <a href="#">1</a> Appendix Amended Victim Restitution List) (tlS, COURT STAFF) (Filed on 2/27/2012) (Entered: 02/27/2012)                                      |
| 04/18/2012 | <a href="#">165</a> | PAYMENT RECORD CARD : payment of Restitution in the amount of \$123,224.00 paid in full on 4/12/12 on behalf of Sarkis Madjarian (sv, COURT STAFF) (Filed on 4/18/2012) (Entered: 04/18/2012)  |
| 08/12/2013 | <a href="#">166</a> | PAYMENT RECORD CARD : payment of special assessment in the amount of \$1,400.00 paid on 8/5/13 on behalf of Serge Zadikian (lskS, COURT STAFF) (Filed on 8/12/2013) (Entered: 08/12/2013)  |
| 10/10/2013 | <a href="#">167</a> | <b>Probation form 12 by Maria Ross as to Serge Zadikian for the Court to suspend the substance abuse treatment order. Signed by Judge Hon. Maxine M. Chesney on 10/10/2013. (tlS, COURT STAFF) (Filed on 10/10/2013) (Entered: 10/10/2013)</b>                           |

**PACER Service Center**

**Transaction Receipt**


# **EXHIBIT B**



AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 371 - Conspiracy  
18 U.S.C. § 1344 - Bank Fraud  
18 U.S.C. § 1028A - Aggravated Identity Theft  
18 U.S.C. § 1029(a)(5), (b)(1) - Access Device  
Fraud and Attempted Access Device Fraud☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**

See Attached

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

KIRSTIN M. AULT

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT - U.S.**

ARTASHES TER MKRTICHYAN

DISTRICT COURT NUMBER

**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome of this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED  
TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**U.S. v. MADGARIAN et al.**  
**MAXIMUM PENALTIES**

Count 1: 18 U.S.C. § 371 - Conspiracy

5 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

Counts 2-14: 18 U.S.C. § 1344 - Bank Fraud

30 years imprisonment  
\$1,000,000 fine  
5 years supervised release  
\$100 special assessment

Counts 15-17, 19: 18 U.S.C. § 1028A - Aggravated Identity Theft

2 year mandatory consecutive sentence  
1 year supervised release  
\$100 special assessment

Count 18: 18 U.S.C. § 1029(a)(5) and (b)(1) - Access Device Fraud

15 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment



AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 371 - Conspiracy  
18 U.S.C. § 1344 - Bank Fraud  
18 U.S.C. § 1028A - Aggravated Identity Theft  
18 U.S.C. § 1029(a)(5), (b)(1) - Access Device  
Fraud and Attempted Access Device Fraud☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ FelonyPENALTY:  
See Attached**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a reprobation of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

KIRSTIN M. AULT

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

SARKIS MADJARIAN

DISTRICT COURT NUMBER

DEFENDANT

**IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**U.S. v. MADGARIAN et al.**  
**MAXIMUM PENALTIES**

Count 1: 18 U.S.C. § 371 - Conspiracy

5 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

Counts 2-14: 18 U.S.C. § 1344 - Bank Fraud

30 years imprisonment  
\$1,000,000 fine  
5 years supervised release  
\$100 special assessment

Counts 15-17, 19: 18 U.S.C. § 1028A - Aggravated Identity Theft

2 year mandatory consecutive sentence  
1 year supervised release  
\$100 special assessment

Count 18: 18 U.S.C. § 1029(a)(5) and (b)(1) - Access Device Fraud

15 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT  
☐ SUPERSEDING**OFFENSE CHARGED**18 U.S.C. § 371 - Conspiracy  
18 U.S.C. § 1344 - Bank Fraud  
18 U.S.C. § 1028A - Aggravated Identity Theft  
18 U.S.C. § 1029(a)(5), (b)(1) - Access Device  
Fraud and Attempted Access Device Fraud☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony**PENALTY:**

See Attached

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District☐ this is a prosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a pending case involving this same defendant☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

KIRSTIN M. AULT

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA**DEFENDANT - U.S.**

SERGE ZADIKIAN

DISTRICT COURT NUMBER

**DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

**IS IN CUSTODY**

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed?☐ Yes  
☐ NoIf "Yes"  
give date  
filed**DATE OF  
ARREST**

Month/Day/Year

Or... If Arresting Agency &amp; Warrant were not

Month/Day/Year

**DATE TRANSFERRED  
TO U.S. CUSTODY**☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\*☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

**U.S. v. MADGARIAN et al.**  
**MAXIMUM PENALTIES**

Count 1: 18 U.S.C. § 371 - Conspiracy

5 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

Counts 2-14: 18 U.S.C. § 1344 - Bank Fraud

30 years imprisonment  
\$1,000,000 fine  
5 years supervised release  
\$100 special assessment

Counts 15-17, 19: 18 U.S.C. § 1028A - Aggravated Identity Theft

2 year mandatory consecutive sentence  
1 year supervised release  
\$100 special assessment

Count 18: 18 U.S.C. § 1029(a)(5) and (b)(1) - Access Device Fraud

15 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

DEFENDANT(S).

## INDICTMENT

18 U.S.C. § 371 - Conspiracy  
18 U.S.C. § 1344 - Bank Fraud  
18 U.S.C. § 1028A - Aggravated Identity Theft  
18 U.S.C. § 1029(a)(5), (b)(1) - Access Device  
Fraud and Attempted Access Device Fraud

*INDICT*  
A true bill.

*John S. Vardanian*  
Foreman

Filed in open court this 8 day of MAY 2004

*Betty Fong*  
BETTY FONG

Clerk

*Edward M. Chen*  
EDWARD M. CHEN

UNITED STATES MAGISTRATE JUDGE

Bail \$

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

[REDACTED]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,  
  
Defendants.

No.

VIOLATIONS: 18 U.S.C. § 371 –  
Conspiracy [1 count]; 18 U.S.C. § 1344 –  
Bank Fraud [13 counts]; 18 U.S.C. § 1028A  
– Aggravated Identity Theft [4 counts]; and  
18 U.S.C. § 1029(a)(5),(b)(1) – Access  
Device Fraud [1 count]

SAN FRANCISCO VENUE

MHP

INDICTMENT

The Grand Jury charges:

COUNT ONE: (Conspiracy – 18 U.S.C. § 371)

Beginning at a time unknown to the grand jury, but no later than March 18, 2007, through March 21, 2007, both dates being approximate and inclusive, in the Northern District of California, the defendants,

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

did knowingly and intentionally combine, conspire, and agree with others known and unknown

*[Handwritten signature]*



1 to the grand jury to commit an offense against the United States, that is,

- 2 a. to knowingly and with the intent to defraud execute and attempt to execute a  
3 scheme and plan to defraud as to a material matter a federally insured financial  
4 institution and to obtain money and property from a federally insured financial  
5 institution by knowingly making false statements and promises as to a material  
6 matter, in violation of Title 18, United States Code, Section 1344; and  
7 b. to knowingly and with intent to defraud effect and attempt to effect transactions  
8 that affect interstate and foreign commerce with one or more access devices  
9 issued to another person or persons, to receive payment or any other thing of value  
10 during any one-year period, the aggregate value of which is at least \$1,000, in  
11 violation of 18 U.S.C. §§ 1029(a)(5) and (b)(1) .

12 **OVERT ACTS**

13 In furtherance of the conspiracy, and to obtain the ends thereof, the following overt acts,  
14 among others, were committed by the defendants and their co-conspirators in the Northern  
15 District of California and elsewhere:

- 16 1. The defendants obtained the account number and personal identification number  
17 (PIN) for the Automated Teller Machine (ATM) account for Evelyn T. at the  
18 Bank of America.  
19 2. On March 18, 2007, one of the defendants used Evelyn T.'s ATM account  
20 number and PIN without her permission to withdraw \$500 from a Bank of  
21 America ATM machine at 633 Tamalpais Drive, Corte Madera, California.  
22 3. On March 19, 2007, one of the defendants used Evelyn T.'s ATM account  
23 number and PIN without her permission to withdraw \$500 from a Bank of  
24 America ATM machine at 2225 Quimby Road, San Jose, California.  
25 4. On March 20, 2007, one of the defendants used Evelyn T.'s ATM account  
26 number and PIN without her permission to withdraw \$500 from a Bank of  
27 America ATM machine at 1455 Stockton Street, San Francisco, California.

28 ///



5. The defendants obtained the account number and PIN for the ATM account for Steven R. at the Bank of America.

6. On March 18, 2007, one of the defendants used Steven R.'s ATM account number and PIN without his permission to withdraw \$500 from a Bank of America ATM machine at 2560 Lombard Street, San Francisco, California.

7. On March 19, 2007, one of the defendants used Steven R.'s ATM account number and PIN without his permission to withdraw \$300 from a Bank of America ATM machine at 2225 Quimby Road, San Jose, California.

8. On March 20, 2007, one of the defendants used Steven R.'s ATM account number and PIN without his permission to attempt to withdraw \$500 from a Bank of America ATM machine at 1455 Stockton Street, San Francisco, California.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH FOURTEEN: (Bank Fraud – 18 U.S.C. § 1344)

The allegations contained in Count One are realleged as though fully set forth herein.

Beginning at a time unknown to the grand jury, but no later than March 18, 2007, through or about March 21, 2007, in the Northern District of California, the defendants,

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

did knowingly and with the intent to defraud carry out and attempt to carry out a scheme and plan to defraud a federally insured financial institution as to a material matter and to obtain money and property from a federally insured financial institution by making material false statements and promises, knowing that the statements and promises were false, as follows:

It was part of the scheme and plan to defraud that the defendants possessed and used ATM account numbers and personal identification numbers for accounts belonging to numerous individuals knowing that they were not authorized to possess or use those account numbers and personal identification numbers.

It was further part of the scheme and plan to defraud that the defendants used these

account numbers and personal identification numbers to make and attempt to make cash withdrawals from Bank of America ATM machines in the San Francisco Bay Area knowing that they did not have the permission of the account holders to withdraw money from their bank accounts.

On or about the dates set forth below in the year 2007, in the Northern District of California and elsewhere, for the purpose of executing the scheme to defraud, the defendants knowingly and falsely represented that they were authorized to possess and use ATM account numbers and personal identification numbers for accounts at the following federally-insured banks belonging to the following persons, knowing that they were not so authorized, and knowing and intending that, based on their false representations, the banks would part with money dispensed from ATM machines.

| Count | Date | Account Holder | Loss  | Bank Where Account Held | ATM Location  | ATM Number |
|-------|------|----------------|-------|-------------------------|---------------|------------|
| 2     | 3/18 | Angelica F.    | \$500 | Washington Mutual       | Corte Madera  | 4105       |
| 3     | 3/18 | Evelyn T.      | \$500 | Bank of America         | Corte Madera  | 4105       |
| 4     | 3/18 | Benjamin M.    | \$500 | Bank of America         | Corte Madera  | 4105       |
| 5     | 3/18 | Roy F.         | \$500 | Washington Mutual       | Corte Madera  | 4105       |
| 6     | 3/18 | Russell Y.     | \$500 | Washington Mutual       | San Francisco | 0506       |
| 7     | 3/19 | Theresa S.     | \$300 | Wells Fargo             | Walnut Creek  | 8652       |
| 8     | 3/19 | Roy F.         | \$500 | Washington Mutual       | Walnut Creek  | 8652       |
| 9     | 3/19 | Angelica F.    | \$500 | Washington Mutual       | Walnut Creek  | 8652       |
| 10    | 3/19 | Evelyn T.      | \$500 | Bank of America         | San Jose      | 6053       |
| 11    | 3/19 | Steven R.      | \$300 | Bank of America         | San Jose      | 6053       |
| 12    | 3/19 | Steven R.      | \$100 | Bank of America         | San Jose      | 6053       |
| 13    | 3/19 | Benjamin M.    | \$500 | Bank of America         | San Jose      | 6053       |
| 14    | 3/20 | Evelyn T.      | \$500 | Bank of America         | San Francisco | 7337       |

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///

COUNT FIFTEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

On or about March 18, 2007, in the Northern District of California, the defendants,

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, namely the ATM account number for Angelica F.'s Washington Mutual account, during and in relation to a felony violation of 18 U.S.C. § 1344, as charged in Count Two of this Indictment, in violation of Title 18, United States Code, Section 1028A.

COUNT SIXTEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

On or about March 19, 2007, in the Northern District of California, the defendants,

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, namely the ATM account number for Roy F.'s Washington Mutual account, during and in relation to a felony violation of 18 U.S.C. § 1344, as charged in Count Eight of this Indictment, in violation of Title 18, United States Code, Section 1028A.

COUNT SEVENTEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

On or about March 19, 2007, in the Northern District of California, the defendants,

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

did knowingly transfer, possess and use, without lawful authority, a means of identification of another person, namely the ATM account number for Evelyn T.'s Bank of America account, during and in relation to a felony violation of 18 U.S.C. § 1344, as charged in Count Ten of this Indictment, in violation of Title 18, United States Code, Section 1028A.

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///

COUNT EIGHTEEN: (Access Device Fraud – 18 U.S.C. § 1029(a)(5), (b)(1))

Beginning on or about March 18, 2007, through on or about March 21, 2007, in the Northern District of California, the defendants,

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

did knowingly and with intent to defraud effect and attempt to effect transactions, that affected interstate and foreign commerce, with one or more access devices issued to another person or persons, namely an ATM account number belonging to Evelyn T.'s Bank of America account, to receive payment and any other thing of value during any one-year period, the aggregate value of which was at least \$1,000, in violation of Title 18, United States Code, Sections 1029(a)(5), (b)(1).

COUNT NINETEEN: (Aggravated Identity Theft – 18 U.S.C. § 1028A)

Beginning on or about March 18, 2007, through on or about March 21, 2007, in the Northern District of California, the defendants,

SARKIS MADJARIAN,  
ARTASHES TER MKRTICHYAN, and  
SERGE ZADIKIAN,

did knowingly transfer, possess and use, without lawful authority a means of identification of another person, namely the personal identification number for Evelyn T.'s Bank of America

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account, during and in relation to a felony violation of 18 U.S.C. § 1029(a)(5), as charged in  
Count Eighteen of this Indictment, in violation of Title 18, United States Code, Section 1028A.


DATED:


A TRUE BILL.

5-8-08

  
FOREPERSON

JOSEPH P. RUSSONIELLO  
United States Attorney

  
BRIAN J. STRETCH  
Chief, Criminal Division

(Approved as to form: )  
AUSA AULT

# **EXHIBIT C**



**VoiceBox**    View    Tree View    Session Functions    Help

**Function**

**Session Data**

Case/Target/Line    Operation Swamp Fox

David Aguilera - Nextel

David Aguilera - Sprint

**5102053654**

5108666764

Evill Sanders - Sprint

4159025758

Evill Sanders - Metro PCS

4155045485

Evill Sanders - Nextel

Gilbert Lampkin - T-Mobile

Jacynita Jordan - Nextel

LaRoy Crenshaw - Sprint

Mauricio Aguilera - Verizon

Troy McDonald - Metro PCS

William Shannon - Verizon

**Telephony**

First    Previous    Next    Last    Auto    Refresh    Filter    View    Export    Report    Play    RS    Class.

| Number | Start Date/Time         | Stop Time    | Duration | Direction | Associate Number      | Classification | Review Status | Location       |
|--------|-------------------------|--------------|----------|-----------|-----------------------|----------------|---------------|----------------|
| 01356  | 03/19/2007 22:12:29 PDT | 22:13:03 PDT | 00:00:34 | Incoming  | (510) 860-2750        | Pertinent      | Not Viewed    | 181-2          |
| 01355  | 03/19/2007 21:53:39 PDT | 21:54:13 PDT | 00:00:34 | Incoming  | (510) 860-2750        | Pertinent      | Not Viewed    | 181-2          |
| 01354  | 03/19/2007 21:45:53 PDT | 21:50:08 PDT | 00:04:15 | Incoming  | (415) 505-3091        | Pertinent      | Not Viewed    | 83-3 -> 17-1t  |
| 01353  | 03/19/2007 21:38:56 PDT | 21:40:09 PDT | 00:01:13 | Outgoing  | (415) 505-3091        | Non-Pertinent  | Not Viewed    | 147-3 -> 76-1t |
| 01352  | 03/19/2007 21:30:19 PDT | 21:31:24 PDT | 00:01:05 | Incoming  | (818) 388-3433        | Pertinent      | Not Viewed    | 81-1 -> 81-1t  |
| 01351  | 03/19/2007 21:25:17 PDT | 21:26:52 PDT | 00:01:35 | Outgoing  | (925) 788-9909        | Non-Pertinent  | Not Viewed    | 109-2 -> 18-1t |
| 01350  | 03/19/2007 21:23:34 PDT | 21:23:56 PDT | 00:00:22 | Incoming  | (818) 388-3433        | Pertinent      | Not Viewed    | 123-3          |
| 01349  | 03/19/2007 21:21:49 PDT | 21:22:58 PDT | 00:01:09 | Incoming  | <b>(818) 388-3433</b> | <b>No Call</b> | Not Viewed    | <b>51-3</b>    |
| 01348  | 03/19/2007 21:21:49 PDT | 21:22:59 PDT | 00:01:10 | Incoming  | (818) 388-3433        | Pertinent      | Not Viewed    | Not available  |
| 01347  | 03/19/2007 20:52:06 PDT | 20:53:04 PDT | 00:00:58 | Outgoing  | (510) 860-2750        | Pertinent      | Not Viewed    | 93-2 -> 26-1t  |
| 01346  | 03/19/2007 20:48:51 PDT | 20:49:28 PDT | 00:00:37 | Outgoing  | (650) 678-9686        | Non-Pertinent  | Not Viewed    | 70-2 -> 26-1t  |
| 01345  | 03/19/2007 20:48:29 PDT | 20:48:33 PDT | 00:00:04 | Outgoing  | (925) 788-9909        | Not Marked     | Not Viewed    | 70-2           |
| 01344  | 03/19/2007 20:46:34 PDT | 20:48:12 PDT | 00:01:38 | Outgoing  | (510) 219-5168        | Pertinent      | Not Viewed    | 70-1 -> 70-1t  |

View: <Standard>    Filter: <none>    Total Records: 1369

01349    Content:    Name    Digits:    8183883433

03/19/2007    Classification:    No Call    Associate Number:    (818) 388-3433

21:21:49 PDT Review Status:    Not Viewed    Answered Status:    Answered

00:01:09    Direction:    Incoming    Completion Status:    Completed

Age: Unknown    Retain Content:    Retain until Archive

**Name/Number Index**

Reports

Session Tiles

Elizabeth Wickman    AW59.VB664.COM    VB664 FBI San Francisco    03/20/2007    15:09:47 PDT

Start    Aguilera Contact #s.d...    Sanders Sprint Phone ...    Drug Phone Sanders...    15:09

# **EXHIBIT I**

\_\_\_\_\_

## **EXHIBIT J**

# United States District Court

## Northern District of California

**UNITED STATES OF AMERICA**  
**v.**  
**SARKIS MADJARIAN**

### JUDGMENT IN A CRIMINAL CASE

USDC Case Number: CR-08-00307-001 MMC

BOP Case Number: DCAN308CR000307-003

USM Number: 47723-112

Defendant's Attorney : Harland Braun, 1880 Century Park E., #710, Los Angeles, CA 90067

### THE DEFENDANT:

- ☒ pleaded guilty to count(s): One, and Two through Fourteen of the Indictment.
- ☐ pleaded nolo contendere to count(s) \_\_\_ which was accepted by the court.
- ☐ was found guilty on count(s) \_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offense(s):

| <u>Title &amp; Section</u> | <u>Nature of Offense</u> | <u>Offense Ended</u> | <u>Count</u> |
|----------------------------|--------------------------|----------------------|--------------|
| 18 U.S.C. § 371            | Conspiracy               | March 21, 2007       | 1            |
| 13 U.S.C. § 1344           | Bank Fraud               | March 21, 2007       | 2 through 14 |

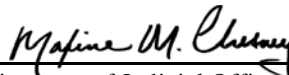
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) \_\_\_.
- ☒ Count(s) 15, 16, 17, 18 and 19 are dismissed on the motion of the United States.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

March 9, 2011

Date of Imposition of Judgment

  
 Signature of Judicial Officer

Honorable Maxine M. Chesney, U. S. District Judge

Name & Title of Judicial Officer

March 14, 2011

Date

DEFENDANT: SARKIS MADJARIAN  
CASE NUMBER: CR-08-00307-001 MMC

Judgment - Page 2 of 7

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 46 months. This term consists of 46 months on Count One, 46 months on Counts Two through Fourteen, all counts to be served concurrently.

☒ The Court makes the following recommendations to the Bureau of Prisons:  
The defendant, if eligible, be allowed to participate in the Bureau of Prisons Residential Drug Abuse Treatment Program.

The Court further recommends that the defendant be designated to a facility as close as possible to the Central District of California.

☐ The defendant is remanded to the custody of the United States Marshal. The appearance bond is hereby exonerated.

☒ The defendant shall surrender to the United States Marshal in the Central District of California.

☒ no later than 2:00 p.m. on May 11, 2011.

☐ as notified by the United States Marshal.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2:00 pm on \_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

The appearance bond shall be deemed exonerated upon the surrender of the defendant.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_

at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
Deputy United States Marshal



DEFENDANT: SARKIS MADJARIAN  
CASE NUMBER: CR-08-00307-001 MMC

Judgment - Page 3 of 7

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and two periodic drug tests thereafter.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions in this judgment.

### STANDARD CONDITIONS

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) The defendant shall report to the probation officer, and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependants and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court; and
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: SARKIS MADJARIAN

Judgment - Page 4 of 7

CASE NUMBER: CR-08-00307-001 MMC

**SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall pay any restitution and special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.
2. The defendant shall provide the probation officer with access to any financial information, including tax returns, and shall authorize the probation officer to conduct credit checks and obtain copies of income tax returns.
3. The defendant shall participate in a program of testing and treatment for drug/alcohol abuse, as directed by the probation officer, until such time as the defendant is released from treatment by the probation officer. The defendant is to pay part or all of the cost of this treatment, at an amount not to exceed the cost of treatment, as deemed appropriate by the probation officer. Payments shall never exceed the total cost of urinalysis and counseling. The actual co-payment schedule shall be determined by the probation officer.
4. The defendant shall submit his person, residence, office, vehicle, or any property under his control to a search. Such a search shall be conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to such a search may be grounds for revocation; the defendant shall warn any residents that the premises may be subject to searches.
5. The defendant shall not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

DEFENDANT: SARKIS MADJARIAN  
CASE NUMBER: CR-08-00307-001 MMC

Judgment - Page 5 of 7

## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

|         | Assessment  | Fine | Restitution   |
|---------|-------------|------|---------------|
| Totals: | \$ 1,400.00 | \$   | \$ 114,444.00 |

☐ The determination of restitution is deferred until   . *An Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

| <u>Name of Payee</u>      | <u>Total Loss*</u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u>                                      |
|---------------------------|--------------------|----------------------------|--|
| Refer to Attachment No. 1 | \$114,444.00       | \$114,444.00               | Individual victims to receive priority over financial institutions |
| <u>Totals:</u>            | \$ <u>  </u>       | \$ <u>114,444.00</u>       |  |

☐ Restitution amount ordered pursuant to plea agreement \$   

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6, may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: SARKIS MADJARIAN  
CASE NUMBER: CR-08-00307-001 MMC

Judgment - Page 6 of 7

## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ due immediately, balance due  
☐ not later than \_\_\_\_\_, or  
☒ in accordance with (x) C, (x) D, ( ) E or ( x ) F below;
- B ☐ Payment to begin immediately (may be combined with ( ) C, ( ) D, or ( ) F below); or
- C ☒ Payment in equal quarterly installments of \$ 25.00 over a period of 46 months, to commence 60 days after the date of this judgment;
- D ☒ Payment in monthly installments of not less than \$100.00 over a period of 3 years to commence within 30 days after release from imprisonment to a term of supervision;
- E ☐ Payment during the term of supervised release will commence within (e,g, 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties: While incarcerated, payment of criminal monetary penalties are due during imprisonment at the rate of not less than \$25 per quarter through the Inmate Financial Responsibility Program. Payments shall be made to the Clerk of the U.S. District Court, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

It is anticipated that restitution in the amount of \$114,444.00 will be paid from the \$180,000 that was seized by the government and which has been forfeited.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

DEFENDANT: SARKIS MADJARIAN  
CASE NUMBER: CR-08-00307-001 MMC

Judgment - Page 7 of 7

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

| Defendant and co-defendant Names | Case Numbers (including defendant number) | Total Amount | Joint and Several Amount | Corresponding Payee (if appropriate) |
|----------------------------------|---|--------------|--------------------------|--------------------------------------|
| Serge Zadikian                   | CR 08-0307-03 MMC;                        | \$114,444.00 | \$114,444.00             | Refer to Attachment No. One          |
| Artashes Ter Mkrtichyan          | CR 08-0307-02 MMC                         | \$114,444.00 | \$114,444.00             |                                      |

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

# **EXHIBIT L**



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/21/2007

On 3/20/2007-3/21/2007, pursuant to an going court order, IA Bessie Mannankara received subscriber information for telephone numbers 510-536-1300 and 818-388-3433.

The following was provided by AT&T:

Telephone Number: 510-536-1300  
Service Name: Fruitvale Shipping Center  
Address: 1467 Fruitvale Avenue  
Oakland, CA 94601-2320  
Billing Name: David Aguiler  
Establish Date: 8/2005

The following was provided by Verizon Wireless:

Telephone Number: 818-388-3433  
Name: Srbuie Madjarian  
Address: 1215 E. Colorado Street Ste 101  
Glendale, CA 91205-1494  
SSN: 563-51-4530  
Work/Home NO.: 818-549-0377  
Establish Date: 11/4/2005

Attached and made part of this FD-302 is a copy of the subscriber information.

003770

Investigation on 3/20/2007 at San Francisco

File # 245D-SF-140132-TEL

Date dictated \_\_\_\_\_

by IA Bessie Mannankara:bm

# **EXHIBIT M**

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/21/2007

On March 21, 2007, STEVE GIRARD, Director of Security, Grand Hyatt Hotel, 345 Stockton Street, San Francisco, California, telephone number 415-848-6060, provided information and documents in response to an administrative subpoena relating to the reservations of SARKIS MADJARIAN from 03/18/2007 through 03/21/2007.

Documents indicate that MADJARIAN reserved two adjoining rooms, Room 410 and 411, using a Discover credit card 4388-5400-1381-2309. MADJARIAN received the Triple A (AAA) rate for the rooms but did not provide a AAA number. MADJARIAN paid cash upon checkout for both rooms. One room totaled \$580.08 in charges and the other \$684.12.

A black SUV, bearing license plate number CA 4KCB752, vehicle was valet parked under room 410.

MADJARIAN provided a contact address of:  
460 West Elk Street  
Glendale, CA

Surveillance video was reviewed for the date and time of MADJARIAN's check-in to the Hyatt. Two individuals are observed checking in at approximately 2:58 a.m. on 03/18/2007. On 03/19/2007 at approximately 11:32 p.m., surveillance video shows an individual who appears to be DAVID AGUILERA entering the Hyatt Hotel and then entering an elevator. On 03/21/2007, at approximately 1:52 p.m., surveillance video shows four individuals leaving the Hyatt and entering a black SUV.

On April 4, 2007, STEVE GIRARD e-mailed SA Denise E. Biehn three still photographs taken from the Hyatt Hotel's surveillance camera system. GIRARD indicated that these stills depicted the individuals that checked in to the Hyatt under the name of SARKIS MADJARIAN at approximately 2:58 a.m. on 03/18/2007. GIRARD also notified SA Biehn that the images seen by agents [SA Denise E. Biehn, SA Matthew Beaupain, SA Elizabeth Wickman], described above, on 03/21/2007 were no longer retrievable due to a technical error.

003768

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Investigation on 03/21/2007 at San Francisco, CaliforniaFile # 245D-SF-140132/281C-SF-141134Date dictated Not Dictatedby SA Denise E. Biehn

# **EXHIBIT N**

[illegible]

ZADIKIAN, SERGE MN

90039DA/R-275-465-07

1. YOU HAVE THE RIGHT TO REMAIN SILENT.

2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.

4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

☐ ARRESTING OFFICER☒ OR:

REFER TO SDEA REPORT NS-07-65

I.D.

TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?

☐ YES ☐ NO

HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

☐ YES ☐ NO

WAVES STATEMENT



LAST NAME, FIRST NAME, AND BIRTH DATE

## DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## ARREST - INVESTIGATION REPORT

CHP 216 CARS (Rev. 1-99) OPI 004

|   |  |   |                         |  |             |  |               |  |  |
|---|--|---|-------------------------|--|-------------|--|---------------|--|--|
| DATE/TIME OF ARREST REPORT<br>03/21/2007 1700   |  | DATE/TIME OF INCIDENT<br>03/21/2007 1650  |                         | COURT<br>STANISLAUS SUPERIOR                         |             | FILE NUMBER<br>0001009273  |               | EVIDENCE/PROPERTY<br><input type="checkbox"/> YES <input type="checkbox"/> NO        |  |
| CITATION NUMBER<br>90040DA  |  | OFFENSE(S) CHARGED OR INVESTIGATED<br>11370.9 H&S POSS OF \$25,000 U.S. CASH REQUIRED |                         | AREA<br>9465   |             | BEAT<br>56   |               | COLLISION REPORT NUMBER  |  |
| SUBJECT NO 2 OF 3   |  |   |                         | LOCATION OF ARREST/INCIDENT<br>S/B I-5 SHOP FINK RD. |             |  |               |  |  |
| NAME (Last, first, middle)<br>MADJARIAN, SARKIS NMN   |  |   |                         | RESIDENCE ADDRESS<br>[REDACTED]                      |             |  |               |  |  |
| AKA<br>N/A  |  |   |                         | HOME PHONE   |             | MAILING ADDRESS<br><input checked="" type="checkbox"/> SAME                              |               |  |  |
| RACE/ETHNICITY<br>White   |  | SEX<br>M  | BIRTHDATE<br>[REDACTED] | HAIR<br>BRN  | EYES<br>BRN | HEIGHT<br>6-2  | WEIGHT<br>280 | PLACE OF BIRTH (city, state, country)  |  |
| DRIVERS LICENSE NUMBER<br>[REDACTED]  |  | STATE<br>CA   | DDL STATUS<br>Valid     | MISC (SSN, INS, ETC)<br>N/A                          |             | DISPATCH NOTIFIED<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |               | TIME 1730  |  |
| EMPLOYER  |  |   |                         | BUSINESS PHONE                                       |             | BUSINESS ADDRESS   |               | ID<br>LOG 601  |  |
| BOOKING, CH, FBI, ETC. NUMBER(S)  |  |   |                         | WHERE BOOKED/CONFINED<br>849 (B)PC                   |             | DATE/TIME<br>03/21/2007 2100   |               | FINGERPRINTED<br><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |  |
| NOTIFICATION (Who, How, When) EXPLAIN IN NARRATIVE  |  |   |                         |  |             |  |               |  |  |
| <input type="checkbox"/> JUVENILE <input type="checkbox"/> FOREIGN NATIONAL <input type="checkbox"/> IMMUNITY CLAIM |  |   |                         |  |             |  |               |  |  |
| NOTIFIED BY   |  |   |                         |  |             |  |               |  |  |

## VEHICLE

|  |              |                        |            |   |                  |   |  |                   |  |
|--|--------------|------------------------|------------|---|------------------|---|--|-------------------|--|
| LICENSE<br>4KCB752                     |              | STATE<br>CA            | YEAR<br>07 | VIN/EN NUMBER<br>3GNEC16T6YG118668              |                  | VEHICLE WAS<br><input type="checkbox"/> STOLEN <input type="checkbox"/> PARKED <input checked="" type="checkbox"/> RELEASED |  | STORAGE AUTHORITY |  |
| VEH YEAR<br>00                         | MAKE<br>CHEV | BODY STYLE<br>SUBURBAN |            | COLOR<br>BLK                                    | BODY TYPE<br>SUV | LOCATION OF VEHICLE/RELEASE TO ADDRESS/TELEPHONE NUMBER<br>SARKIS MADJARIAN - (518)546-1618                                 |  |                   |  |
| NAME OF REGISTERED OWNER<br>[REDACTED] |              |                        |            | <input type="checkbox"/> SAME AS SUBJECT        |                  | ADDRESS<br>[REDACTED]   |  |                   |  |
| NAME OF LEGAL OWNER                    |              |                        |            | <input checked="" type="checkbox"/> SAME AS R/O |                  | ADDRESS<br>[REDACTED]   |  |                   |  |
|  |              |                        |            |   |                  | LOCATION OF KEYS<br>SARKIS MADJARIAN  |  |                   |  |

## WITNESS

| BIRTHDATE | SEX | NAME | <input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER | ADDRESS/AGENCY | PHONE |
|-----------|-----|------|---|----------------|-------|
|           |     |      | <input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER |                | RES:  |
|           |     |      | <input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER |                | RES:  |
|           |     |      | <input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER |                | RES:  |
|           |     |      | <input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER |                | RES:  |
|           |     |      | <input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER |                | RES:  |

## VICTIM INFORMATION

|           |       |      |       |            |       |               |  |
|-----------|-------|------|-------|------------|-------|---------------|--|
| NAME      |       |      |       | ADDRESS    |       |               |  |
| BIRTHDATE | SEX   | DOB  | STATE | DAY PHONE  |       | EVENING PHONE |  |
| VEH LIC # | STATE | YEAR | MAKE  | BODY STYLE | COLOR | BODY TYPE     |  |
| NAME      |       |      |       | ADDRESS    |       |               |  |
| BIRTHDATE | SEX   | DOB  | STATE | DAY PHONE  |       | EVENING PHONE |  |
| VEH LIC # | STATE | YEAR | MAKE  | BODY STYLE | COLOR | BODY TYPE     |  |

## MISDEMEANOR INCARCERATION

(To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 832.5.)

As determined by the arresting officer, the person arrested:

- ☐ was so intoxicated as to be a danger to himself/herself or others.
- ☐ required medical examination or medical care or was otherwise unable to care for his/her own safety.
- ☐ was charged with one or more of the offenses listed in Sections 40302 and 40303 of the Vehicle Code.
- ☐ had one or more outstanding arrest warrants issued.
- ☐ could not provide satisfactory evidence of personal identification.
- ☐ if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
- ☐ would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be immediately endangered if immediately released.
- ☐ demanded to be taken before a magistrate or refused to sign the citation.
- ☐ would not appear at the time and place specified in the notice.
- ☐ domestic violence (refer to HPF 100.09)

|   |                   |                       |                                    |                   |                      |                 |
|---|-------------------|-----------------------|------------------------------------|-------------------|----------------------|-----------------|
| ARRESTING/INVESTIGATING OFFICER<br>M. Hubbard / Officer | (Print name/rank) | I.D. NUMBER<br>009579 | REVIEWED BY<br>CR. MAHAR, JR. SGT. | (Print name/rank) | I.D. NUMBER<br>10201 | DATE<br>3/26/07 |
|---|-------------------|-----------------------|------------------------------------|-------------------|----------------------|-----------------|

002069

MADARIAN, SARKIS NMN

90040DA/F-275-465-07

1. YOU HAVE THE RIGHT TO REMAIN SILENT.

2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.

4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

☐ ARRESTING OFFICER☒ OR

REFER TO SDEA REPORT NS-07-65

I.O.

TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?

☐ YES ☐ NO

HAVING THOSE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

☐ YES ☐ NO

WAIVER STATEMENT

002070

002071

UKUMYAN, TIGAN NMN  
LAST NAME, FIRST NAME, AND MIDDLE NAME

|   |  |  |  |
|---|--|--|--|
| <b>ARREST - INVESTIGATION REPORT</b><br>CHP 216 CARs (Rev. 1-99) OPI 004<br>DATE/TIME OF ARREST REPORT 03/21/2007 1700<br>CITATION NUMBER 90041DA   |  | OFFENSE(S) CHARGED OR INVESTIGATED 1645<br>LOCATION OF ARREST/ACCIDENT S/B I-5/OF PINK RD.<br>AREA BEAT 9465 56<br>FILE NO. 200700531<br>COURT STANISLAUS SUPERIOR-2 65-07<br>EVIDENCE/PROPERTY NO YES NO  |  |
| SUBJECT NO. 3 OF 3<br>NAME (Last, first, middle) [REDACTED]<br>RESIDENCE ADDRESS [REDACTED]<br>HOME PHONE [REDACTED]<br>MAILING ADDRESS [REDACTED]<br>PLACE OF BIRTH (city, state, country) [REDACTED]<br>MISC. ISSN. (INS, ETC.) N/A<br>DRIVER'S LICENSE NUMBER [REDACTED]<br>SEX M<br>BIRTHDATE [REDACTED]<br>HAIR BLK<br>EYES BRN<br>HEIGHT 5-7<br>WEIGHT 168<br>NOTIFIED YES NO<br>LOG 601<br>ID [REDACTED]<br>TIME 1730<br>DISPATCH NOTIFIED YES NO<br>FINGERPRINTED YES NO<br>DATE/TIME 03/21/2007 2100<br>NOTIFIED BY: [REDACTED]  |  | EMPLOYER [REDACTED]<br>BUSINESS PHONE [REDACTED]<br>BUSINESS ADDRESS [REDACTED]<br>WHERE BOOKED/CONFIRMED B49(B)PC<br>DATE/TIME 03/21/2007 2100<br>FINGERPRINTED YES NO<br>LOG 601<br>ID [REDACTED]<br>TIME 1730<br>DISPATCH NOTIFIED YES NO<br>FINGERPRINTED YES NO<br>DATE/TIME 03/21/2007 2100<br>NOTIFIED BY: [REDACTED] |  |
| VEHICLE<br>LICENSE 4KCB752<br>STATE CA<br>YEAR 07<br>VIN/VIN NUMBER [REDACTED]<br>VEHICLE WAS [REDACTED]<br>RECOVERED [REDACTED]<br>RELEASED [REDACTED]<br>STORAGE AUTHORITY [REDACTED]   |  | NAME OF REGISTERED OWNER [REDACTED]<br>SAME AS SUBJECT [REDACTED]<br>ADDRESS [REDACTED]<br>NAME AS SUBJECT [REDACTED]<br>NAME OF LEGAL OWNER [REDACTED]<br>SAME AS RD [REDACTED]<br>ADDRESS [REDACTED]<br>LOCATION OF KEYS [REDACTED]<br>WITNESS SARKIS MADJARIAN<br>ADDRESS [REDACTED]<br>PHONE [REDACTED]                  |  |
| BIRTHDATE [REDACTED]<br>SEX [REDACTED]<br>NAME [REDACTED]<br>WITNESS [REDACTED]<br>ADDRESS [REDACTED]   |  | WITNESS [REDACTED]<br>ADDRESS [REDACTED]<br>PHONE [REDACTED]   |  |
| VICTIM INFORMATION<br>NAME [REDACTED]<br>ADDRESS [REDACTED]<br>STATE [REDACTED]<br>CITY [REDACTED]<br>ZIP [REDACTED]<br>DAY PHONE [REDACTED]<br>EVENING PHONE [REDACTED]<br>BODY TYPE [REDACTED]  |  |  |  |
| MISDEMEANOR INCARCERATION<br>(To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 2601.1)<br>As recommended by the arresting officer, the action is:   |  |  |  |
| 1. <input type="checkbox"/> was so intoxicated as to be a danger to himself or others.<br>2. <input type="checkbox"/> required medical examination or medical care or was otherwise unable to care for her/his own safety.<br>3. <input type="checkbox"/> was driving with one or more of the offenses listed in Sections 40302 and 40303 of the Vehicle Code.<br>4. <input type="checkbox"/> had one or more outstanding arrest warrants issued.<br>5. <input type="checkbox"/> could not provide satisfactory evidence of personal identification.<br>6. <input type="checkbox"/> If released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.<br>7. <input type="checkbox"/> would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.<br>8. <input type="checkbox"/> demanded to be taken before a magistrate or refused to sign the citation.<br>9. <input type="checkbox"/> would not appear at the time and place specified in the notice.<br>10. <input type="checkbox"/> domestic violence (refer to FPM 100.09) |  |  |  |
| REVIEWED BY [REDACTED]<br>DATE 10201<br>I.O. NUMBER 10201<br>DATE 10201   |  |  |  |

GRIMYAN, TIGAN NMN

90041DA/F-275-465-07

|   |  |   |  |  |  |
|---|--|---|--|--|--|
| 1. YOU HAVE THE RIGHT TO REMAIN SILENT.                                 |  | 3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING. |  | 4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE. |  |
| 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW. |  |   |  |  |  |
| THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:                        |  |   |  |  |  |
| <input type="checkbox"/> ARRESTING OFFICER                              |  | <input checked="" type="checkbox"/> CR: REFER TO SDEA REPORT NS-07-65   |  |  |  |
| DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?         |  | HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO ME NOW?   |  | WAVES STATEMENT  |  |
| <input type="checkbox"/> YES <input type="checkbox"/> NO                |  | <input type="checkbox"/> YES <input type="checkbox"/> NO  |  | I.D. TIME:   |  |

## STATE OF CALIFORNIA

## NARRATIVE/SUPPLEMENTAL

PAGE 7 OF 11

| DATE OF INCIDENT | TIME | NCIC NUMBER | OFFICER I.D. | NUMBER       |
|------------------|------|-------------|--------------|--------------|
| 03/21/2007       | 1650 | 9465        | 009579       | F-275-465-07 |

1 SUMMARY

2 On March 21, 2007, at approximately 1645 hours, I made a traffic stop on a black Chevrolet  
 3 Suburban for violation of section 22356(b) VC (speeding), 78 miles per hour (mph) in a 70 mph  
 4 zone and 5200 VC (no front plate) in Stanislaus County. I was traveling northbound in the number  
 5 1 lane of Interstate 5 when I decided to make a U-turn through the center divider and travel  
 6 southbound on Interstate 5. I pulled into the center divider and continued to face north, waiting for  
 7 an open space to make a U-turn and not affect southbound traffic. I observed a black Chevrolet  
 8 Suburban traveling at an estimated speed of 80 mph in the southbound number 1 lane, leading a  
 9 pack of approximately six vehicles. I switched my RADAR from moving mode to stationary mode.  
 10 My RADAR confirmed the Chevrolet's speed of 78 mph. I observed no front license plate on the  
 11 vehicle as it was passing my location. I made a U-turn through the center divider and caught up  
 12 with the Chevrolet, Suburban approximately 3 miles south of Fink Road. I activated my red and  
 13 blue forward lights and flashing headlights. The Chevrolet slowed and pulled to the right shoulder  
 14 and stopped on the right shoulder south of Fink Road.

15

16 I made a right side approach on the Chevrolet and requested the driver to drop the passenger's  
 17 rear windows due to the windows being tinted. The driver complied. I observed the driver put his  
 18 necklace (silver color metal with white color stones) inside of his T-shirt. I contacted the driver  
 19 through the vehicle's open right front window and advised him of why he had been stopped. He  
 20 related he thought he had cruise control set on 73 miles per hour. I observed approximately three  
 21 cell phones on the center console and one on the dashboard. I asked the driver for his driver  
 22 license, vehicle registration, and insurance information. He identified himself as [REDACTED]  
 23 with a California Driver License. During conversation with the driver, I observed him to be  
 24 nervous. CHP Officer B. Gantt ID16348, observed me on a traffic stop and pulled in behind my  
 25 patrol car and asked me if I needed any assistance. I advised him I had four occupants in the  
 26 vehicle and I would like him to stay.

27

| PREPARED BY             | I.D. NUMBER | DATE       | REVIEWER'S NAME | DATE |
|-------------------------|-------------|------------|-----------------|------|
| M. HUBBARD /<br>OFFICER | 009579      | 03/21/2007 |                 |      |

002073

STATE OF CALIFORNIA  
NARRATIVE/SUPPLEMENT

PAGE 8 OF 11

| DATE OF INCIDENT | TIME | NCIC NUMBER | OFFICER I.D. NUMBER |
|------------------|------|-------------|---------------------|
| 03/21/2007       | 1650 | 9465        | 009579              |

F-275-465-07

1 I asked Gantt to verify the driver's status and to run an E.P.I.C. (El Paso Information Center)  
 2 check on the driver through Merced Communication Center. I asked the driver to exit the vehicle  
 3 and directed him to the right shoulder in front of my patrol car. He complied. As the driver walked  
 4 towards me I observed a bulge in his right front pocket of his sweat pants. For officer safety, I  
 5 conducted a pat down search. I felt the bulge in the driver's front pants pocket and based on my  
 6 training and experience the bulge felt like a bundle of cash. I asked the driver what the bulge was  
 7 in his pocket. He confirmed the bulge was approximately \$900.00 dollars. The driver seemed  
 8 even more nervous now.  
 9  
 10 Based on the above observations, I decided to conduct a K-9 sniff of the exterior of the Chevrolet  
 11 Suburban. For officer safety reasons, (four occupants two officers in the middle of Interstate 5  
 12 with backup extended response time) the other three passengers were removed from the vehicle  
 13 one at a time and patted down for weapons. The passengers (not cuffed) were directed to stand  
 14 next to the perimeter fence west of Interstate 5. I had my departmental drug detecting canine,  
 15 Jino, conduct a sniff of the exterior of the Chevrolet. As Jino was walking by the opened right rear  
 16 door (left open by rear passengers) he alerted/indicated by jumping into the vehicle's right rear  
 17 seat. Jino immediately went between the middle seats, over the back seat and alerted/indicated  
 18 to a black duffel bag sitting on top of suit cases located in the cargo area of the vehicle. Jino went  
 19 by food (Subway sandwich and fast food) lying between the middle seats while in route to the  
 20 duffel bag. I removed the duffel bag from the vehicle and asked the subjects who owned the  
 21 duffel bag. All of the subjects turned and looked at the right front passenger, Sarkis Madjarian.  
 22 After the third time of asking who owned the duffel bag, Sarkis Madjarian advised it was his bag. I  
 23 opened the duffel bag and observed some shoes and 5-6 bundles of U.S. currency. The bundle  
 24 of currency was in increments of \$100.00 bills and wrapped with rubber bands. This is a common  
 25 way to package large sums of currency for illicit drug money. I put the duffel bag on the hood of  
 26 my patrol car and at no time did I touch the currency. I advised Officer Gantt of what was in the  
 27 duffel bag and had him request additional backup through Merced Dispatch. We then handcuffed  
 28 all four subjects.

| PREPARED BY             | I.D. NUMBER | DATE       | REVIEWER'S NAME | DATE |
|-------------------------|-------------|------------|-----------------|------|
| M. HUBBARD /<br>OFFICER | 009579      | 03/21/2007 |                 |      |



STATE OF CALIFORNIA

## NARRATIVE/SUPPLEMENTAL

PAGE 9 OF 11

| DATE OF INCIDENT | TIME | NCIC NUMBER | OFFICER I.D. | NUMBER       |
|------------------|------|-------------|--------------|--------------|
| 03/21/2007       | 1650 | 9465        | 009579       | F-275-465-07 |

1 I put on some latex rubber gloves and conducted a hand search of the rest of the luggage and  
2 packages in the Suburban. I asked who owned each item before I would open the item. I showed  
3 a black suitcase which was located under the duffel bag in the cargo area of the suburban to the  
4 four subjects. Right rear passenger Serge Zadikian advised the suitcase was his. Inside of the  
5 suitcase under some clothes I located numerous bundles of U.S. currency in increments of \$20.00  
6 bills wrapped with three rubber bands. I contacted Serge Zadikian and asked him what he had in  
7 his suitcase. He advised me he had clothes and approximately \$150,000 dollars in the suitcase. I  
8 had Officer Gantt contact Stanislaus Drug Enforcement Agency (SDEA) and advised him of the  
9 incident. SDEA advised they wanted to meet with the suspects and interview them for illicit  
10 activity. The suspects and vehicle were transported back to Modesto CHP Area Office. The  
11 duffel bag and black suitcase that contained the U.S. currency were placed in the back of a patrol  
12 vehicle for security and transported back to the Modesto CHP Area Office.  
13  
14 SDEA Agents Manuel Corona and Patrick Crane met us at the CHP Office and I advised them of  
15 the incident. CHP Sergeants T. Melden, ID9974 and J. Koon, ID12342 took possession of the  
16 currency. Corona and Crane interviewed the suspects and it was their opinion that the suspects  
17 were involved in illicit activity and seized the US currency. Sergeants Melden and Koon counted  
18 the US currency in front of agents Corona and Crane at the CHP Office. For asset forfeiture  
19 information of the US currency and the suspects statements refer to SDEA report number NS-07-  
20 65. Agent Crane gave both subjects Zadikian and Madjarian receipts for the US currency.  
21  
22 Subjects Madjarian, Zadikian, Termkrtichyan and [REDACTED] were issued release from custody  
23 forms (CHP 103) per 849(b) P.C, approximately 2100 hours, pending further investigation. They  
24 drove away from the Modesto CHP Office in the Suburban.  
25  
26 EVIDENCE  
27 \$30,000 US currency (50 & 100 dollar bills, 6 bundles) located in black duffel bag in cargo area of  
28 Suburban.

| PREPARED BY             | I.D. NUMBER | DATE       | REVIEWER'S NAME | DATE |
|-------------------------|-------------|------------|-----------------|------|
| M. HUBBARD /<br>OFFICER | 009579      | 03/21/2007 |                 |      |

STATE OF CALIFORNIA  
NARRATIVE/SUPPLEMENTAL

PAGE 10 OF 11

| DATE OF INCIDENT | TIME | NCIC NUMBER | OFFICER I.D. NUMBER |
|------------------|------|-------------|---------------------|
| 03/21/2007       | 1650 | 9465        | 009579              |

F-275-465-07

- 1 \$159,220 US currency (20 dollar bills, 34 bundles) located in a black suitcase in cargo area of
- 2 Suburban. CHP counted \$189,220 US currency but when the bank provided the official SDEA
- 3 count it was \$189,240 US currency.
- 4 Refer to asset forfeiture financial tally sheet for currency total. SDEA took possession of the U.S.
- 5 currency. Refer to SDEA report number NS-07-65.

6

## 7 PHOTOGRAPH LOG

- 8 1). Photo #1 of black duffel bag with U.S. currency and shoes at scene.
- 9 2). Photo #2 of small black duffel bag with rubber bands and grey colored credit cards with white
- 10 tape with writing on tape located in duffel bag with U.S. currency at scene.
- 11 3). Photo #3 of rear view of Suburban and luggage at scene.
- 12 4). Photo #4 second photo of Suburban and luggage at scene.
- 13 5). Photo # 5 U.S. currency in black suitcase at scene.
- 14 6). Photo # 6 U.S. currency with clothes in black suitcase at scene.
- 15 7). Photo # 7 black suitcase with U.S. currency in back of patrol vehicle at scene.
- 16 8). Photo # 8 driver [REDACTED] at scene.
- 17 9). Photo # 9 R/R passenger Serge Zadikian at scene.
- 18 10). Photo # 10 second photo of R/R passenger Serge Zadikian at scene.
- 19 11). Photo # 11 L/R passenger Artashes Termkrtichyan at scene.
- 20 12). Photo # 12 R/F passenger Sarkis Madjarian at scene.
- 21 13). Photo # 13 of front license plate in white plastic bag located in cargo area of Suburban at
- 22 scene.
- 23 14). Photo # 14 front view of Suburban with no license plate at scene.
- 24 15). Photo # 15 right side view of suburban at scene.
- 25 16). Photo # 16 interior view with cell phones of Suburban at scene.
- 26 17). Photo # 17 second view of interior of Suburban at scene.
- 27 18). Photo # 18 right side view of Suburban at scene.
- 28 19). Photo # 19 of U.S. currency on desk at CHP Office.

| PREPARED BY             | I.D. NUMBER | DATE       | REVIEWER'S NAME | DATE |
|-------------------------|-------------|------------|-----------------|------|
| M. HUBBARD /<br>OFFICER | 009579      | 03/21/2007 |                 |      |

STATE OF CALIFORNIA  
NARRATIVE/SUPPLEMENTAL

PAGE 11 OF 11

| DATE OF INCIDENT | TIME | NCIC NUMBER | OFFICER I.D. NUMBER |
|------------------|------|-------------|---------------------|
| 03/21/2007       | 1650 | 9465        | 009579 F-275-465-07 |

1 20). Photo # 20 second photo of U.S. currency on desk at CHP Office.

2 21). Photo # 21 third photo of U.S. currency on desk at CHP Office.

3

4 The above referenced digital photographs are stored on the Modesto CHP Area Office computer  
5 server. Photo's taken by Officer Gantt.

6

7 RECOMMENDATIONS

8 I recommend that the Stanislaus County District Attorney's Office prosecute Serge Zadikjan for  
9 violation of 11370.6 H&S (possession of U.S. currency of \$100,000), Sarkis Madjarian for violation  
10 of 11370.9 H&S (possession of U.S. currency of \$25,000) and [REDACTED] for violation of  
11 sections 22356(b) CVC, (speeding) and 5200 CVC, (no front plate).

12

13

14

15

| PREPARED BY             | I.D. NUMBER | DATE       | REVIEWER'S NAME | DATE |
|-------------------------|-------------|------------|-----------------|------|
| M. HUBBARD /<br>OFFICER | 009579      | 03/21/2007 |                 |      |

# **EXHIBIT P**



November 4, 2013

Mark Rosenbush  
Attorney at Law  
214 Duboce Avenue  
San Francisco, CA 94103  
markrosenbush@mindspring.com

Re: *United States v. Madjarian et al.*,  
CR-08-00307 MMC, N.D. Cal.

Dear Mr. Rosenbush:

Some time ago, the ACLU filed a Freedom of Information Act request to learn more about the government's use of warrantless cell phone tracking in criminal investigations. After years of litigation, we have learned that the government engaged in warrantless cell phone tracking in *United States v. Madjarian et al.* You represented Artashes Ter Mkrtichyan in that case.

We believe that such tracking violates the Fourth Amendment. It would be helpful for our advocacy on that issue if we could speak to you to learn more about this case, and about any other knowledge you may have about this technique. In particular, we hope you can tell us:

- Did you know that warrantless cell tracking was used in your client's case?
  - If you did know, how did you learn about it?
  - Were there any motions filed involving the cell phone tracking, e.g., a motion to suppress?
  - Did the fact that there had been warrantless cell phone tracking play a role in plea bargaining, or at trial?
- If you didn't know that your client was tracked, do you think knowing about it might have made a difference in the case?
  - Would you like to find out more about it now?

We would appreciate it if you would give us a call so we can discuss the case. I can be reached at (212) 549-2640, or you can email me at [bstein@aclu.org](mailto:bstein@aclu.org) and we can arrange a time for me to call you. Thanks very much for your consideration.

Sincerely,

Bennett Stein  
ACLU Speech, Privacy & Technology Project

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

NATIONAL OFFICE  
125 BROADWAY, 18TH FLOOR  
NEW YORK, NY 10038  
(212) 549-2640  
WWW.ACLU.ORG

DEAN R. BERNSTEIN  
PRESIDENT

ANTHONY D. BERNSTEIN  
EXECUTIVE DIRECTOR

# **EXHIBIT Q**



U.S. Department of Justice

Executive Office for United States Attorneys  
 Freedom of Information/Privacy Act Staff  
 600 E Street, N.W., Room 7300  
 Washington, D.C. 20530  
 202-616-6757 Fax 202-616-6478

Requester: Catherine Crump Request Number: 07-4122

Subject of Request: Mobile Phone Tracking (Items 3-5)/CAN

Dear Requester:

DEC 31 2008

This is in further response to your Freedom of Information Act request. This letter constitutes a final reply from the Executive Office for United States Attorneys ("EOUSA") in this request. To provide you the greatest degree of access authorized by the Freedom of Information Act and the Privacy Act, we have considered your request in light of the provisions of both statutes. The records you seek are located in a Privacy Act system of records that, in accordance with regulations promulgated by the Attorney General, is exempt from the access provisions of the Privacy Act, 28 C.F.R. § 16.81. We have also processed your request under the Freedom of Information Act.

The United States Attorneys Office for the Northern District of California ("USAO CAN") has completed a search for information responsive to your request, the terms of which are outlined in Defendant's Scheduling Report. The Court approved the search criteria contained in the Defendant's Scheduling Report on November 20, 2008. The results of that search found that with regard to item number four (4) of your request, the USAO CAN did not locate a compilation showing the number of times the government has applied for a court order based on less than probable cause, authorizing it to obtain mobile phone location information. However, after canvassing the Criminal Division Assistant U.S. Attorneys, the USAO CAN identified forty (40) cases, on or after September 12, 2001, in which the Court granted the government's application to permit it to obtain mobile phone location information without making a judicial finding of probable cause. This search also found that no applications were granted after November 16, 2007, to permit the government to obtain GPS or similarly precise location data on target cell phones without a judicial determination of probable cause. Certain of the identified cases are subject to court seals that prohibit disclosure. With regard to item number five (5) of your request, the EOUSA is withholding in its entirety all of the responsive information identified as a result of the search conducted by the USAO CAN. The exemption(s) cited for withholding this information are marked below. The USAO CAN found no records responsive to item number three (3) of your request.

Section 552

Section 552a

|                                 |   |   |  |
|---------------------------------|---|---|--|
| <input type="checkbox"/> (b)(1) | <input type="checkbox"/> (b)(4)               | <input type="checkbox"/> (b)(7)(B)            | <input checked="" type="checkbox"/> (j)(2) |
| <input type="checkbox"/> (b)(2) | <input type="checkbox"/> (b)(5)               | <input checked="" type="checkbox"/> (b)(7)(C) | <input type="checkbox"/> (k)(2)            |
| <input type="checkbox"/> (b)(3) | <input type="checkbox"/> (b)(6)               | <input type="checkbox"/> (b)(7)(D)            | <input type="checkbox"/> (k)(5)            |
| _____                           | <input checked="" type="checkbox"/> (b)(7)(A) | <input type="checkbox"/> (b)(7)(E)            | <input type="checkbox"/> _____             |
| _____                           |   | <input type="checkbox"/> (b)(7)(F)            |  |

Although I am aware that this request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you that if you consider my response to be a denial of your request, you have the right to file an administrative



appeal by writing within 60 days from the date of this letter to the **Office of Information and Privacy, United States Department of Justice, 1425 New York Avenue, Suite 11050, Washington, D.C. 20530-0001.**

Sincerely,

A handwritten signature in cursive script that reads "Karen M. Gunnegan for". The signature is written in black ink and is positioned above the typed name of the signatory.

William G. Stewart II  
Assistant Director

Enclosure(s)

| USAO's Office   | Case Name   | Docket Number(s) | Court     |
|---|---|------------------|-----------|
| Central District of California<br>(reported 22 cases responsive to<br>email question 2) | United States v. Juan Carlos Fuentes                  | CR 07-1362 RHW   | C.D. Cal. |
|   | United States v. Kelvin Alexander Melgar              | CR 07-1231-RGK   | C.D. Cal. |
|   | United States v. Carlos Cuentas                       | CR 07-1360-SVW   | C.D. Cal. |
|   | United States v. Pamela Aguilar                       | CR 08-65-RHW     | C.D. Cal. |
|   | United States v. Paul Milton Cortez Jovel             | CR 07-1365-SJO   | C.D. Cal. |
|   | United States v. Gabriela Munoz                       | CR 07-1233-ABC   | C.D. Cal. |
|   | United States v. Christopher Adjani and Jana Reinhold | CR 04-199-TJH    | C.D. Cal. |
|   | United States v. Miguel Sarabia                       | SACR 04-66-GLT   | C.D. Cal. |
|   | United States v. Ali Elreda                           | CR 07-522-ODW    | C.D. Cal. |
|   | United States v. Hussein Saleh Saleh                  | CR 07-1267-ODW   | C.D. Cal. |
|   | United States v. Ali Elreda, et al.                   | CR 07-1268-ODW   | C.D. Cal. |
|   | United States v. Ali Elreda, et al.                   | CR 07-1269-ODW   | C.D. Cal. |
|   | United States v. Adrien Nunez, et al.                 | CR 04-598-WMB    | C.D. Cal. |
|   | United States v. Jose Pasqual, et al.                 | CR 04-908-WMB    | C.D. Cal. |
|   | United States v. Jamar Dewayne Green                  | CR 06-466-DDP    | C.D. Cal. |
|   | United States v. Tuan Ngoc Sam, et al.                | CR 05-1112-GHK   | C.D. Cal. |
|   | United States v. Yosri Jaber, et al.                  | EDCR 02-89-RT    | C.D. Cal. |
|   | United States v. Sergio Herrera-Fragoso, et al.       | CR 04-1668-RGK   | C.D. Cal. |
|   | United States v. Ammons, et al.                       | CR 05-12-RGK     | C.D. Cal. |
|   | United States v. Deshann Traylor, et al.              | CR 03-1291-DSF   | C.D. Cal. |
|   | United States v. Randy Tyrone Walker                  | CR 03-1223-NM    | C.D. Cal. |
|   | United States v. Scott Brabson, et al.                | CR 04-1191-JFW   | C.D. Cal. |
|   | United States v. Koron                                | CR 02-0398 CRB   | N.D. Cal. |
|   | United States v. Nunes                                | CR 02-0295 CRB   | N.D. Cal. |
|   | United States v. Neys                                 | CR 05-491 VRW    | N.D. Cal. |
|   | United States v. Neys                                 | CR 06-793 VRW    | N.D. Cal. |
|   | United States v. Yang                                 | CR 05-00395 CRB  | N.D. Cal. |
|   | United States v. Avendano                             | CR 04-40005 MJJ  | N.D. Cal. |
|   | United States v. Avendano                             | CR 04-40083 MJJ  | N.D. Cal. |
|   | United States v. Zambrano                             | CR 04-40005 MJJ  | N.D. Cal. |
|   | United States v. Wiegman                              | CR 04-00381 MJJ  | N.D. Cal. |
|   | United States v. Aguayo                               | CR 05-0118 MCC   | N.D. Cal. |
|   | United States v. Johnson                              | CR 08-0251 MCC   | N.D. Cal. |

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|--|---|-----------------|---------------|
| Northern District of California<br>(reported 40 cases responsive to<br>email question 2) | WITHHELD (disposition or dispositions sealed)         |                 |               |
|  | United States v. Michael Edison and Debra Edison      | CR 07-0074 WHA  | N.D. Cal.     |
|  | United States v. Jett                                 | CR 08-0509 SBA  | N.D. Cal.     |
|  | WITHHELD (disposition or dispositions sealed)         |                 |               |
|  | WITHHELD (disposition or dispositions sealed)         |                 |               |
|  | WITHHELD (disposition or dispositions sealed)         |                 |               |
|  | United States v. Raymon Hill                          | CR 05-0324 MMC  | N.D. Cal.     |
|  | WITHHELD (disposition or dispositions sealed)         |                 |               |
|  | United States v. Josue Torres, et al.                 | CR 03-20110 RMW | N.D. Cal.     |
|  | WITHHELD (defendant or defendants is/are fugitive(s)) |                 |               |
|  | United States v. Emily Trevethan, et al.              | CR 05-00516 JF  | N.D. Cal.     |
|  | United States v. Kevin Joseph Zavosky                 | CR 05-00517 RMW | N.D. Cal.     |
|  | United States v. Thi Huong Khuc                       | CR 05-00700 JW  | N.D. Cal.     |
|  | United States v. Pong Lin Liu, et al.                 | CR 05-00723 JW  | N.D. Cal.     |
|  | United States v. Linhbergh Carlos Arceo               | CR 08-70440 HRL | N.D. Cal.     |
|  | United States v. Tommy McIntosh, Jr.                  | CR 08-00377 RMW | N.D. Cal.     |
|  | United States v. Anh That Ton                         | CR 08-00607 RMW | N.D. Cal.     |
|  | United States v. Khahn Le, et al.                     | CR 06-00644 CRB | N.D. Cal.     |
|  | United States v. Eric Martin                          | CR 04-00733 RMW | N.D. Cal.     |
|  | United States v. Onwe                                 | CR 04-40135 CW  | N.D. Cal.     |
|  | WITHHELD (under seal)                                 |                 |               |
|  | United States v. Shannon                              | CR 07-00701 WHA | N.D. Cal.     |
|  | WITHHELD (all charges dismissed)                      |                 |               |
|  | United States v. Madjarian                            | CR 08-00307 MMC | N.D. Cal.     |
|  | WITHHELD (under seal)                                 |                 |               |
|  | WITHHELD (disposition or dispositions sealed)         |                 |               |
|  | United States v. Defrenchi, et al.                    | CR 05-00232 MJJ | N.D. Cal.     |
|  | United States v. Carroll                              | CR 05-00231 MJJ | N.D. Cal.     |
|  | N/A (nonresponsive--prosecution outside FOIA request) |                 |               |
|  | United States v. Gibbs                                | 08-cr-00358     | D.D.C.        |
|  | United States v. Antonio Johnson                      | F-4882-04       | D.C. Sup. Ct. |
|  | United States v. Marcus Martin                        | F-5927-04       | D.C. Sup. Ct. |
|  | United States v. Ibrahim Farooq                       | 2005-F-6194     | D.C. Sup. Ct. |
|  | United States v. Ahmed Farooq                         | 2005-F-6214     | D.C. Sup. Ct. |

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| District of the District of Columbia<br>(reported 21 cases responsive to email question 2) | WITHHELD (all charges dismissed)                       |                          |               |
|  | United States v. Cleveland                             | 04-cr-050                | D.D.C.        |
|  | United States v. Stubblefield                          | 08-cr-171                | D.D.C.        |
|  | United States v. Vincent Mills                         | 2007-CF1-020607          | D.C. Sup. Ct. |
|  | United States v. Kesha Gravely                         | 05-cr-0006               | D.D.C.        |
|  | United States v. Bryan Wilson                          | 2005-FEL-5634            | D.C. Sup. Ct. |
|  | WITHHELD (all charges dismissed)                       |                          |               |
|  | WITHHELD (all charges dismissed)                       |                          |               |
|  | United States v. Michael Anderson                      | 04-cr-00550              | D.D.C.        |
|  | United States v. Prescott Sigmund                      | 02-cr-483                | D.D.C.        |
|  | United States v. James Becton, et al.                  | 07-cr-131                | D.D.C.        |
|  | N/A (nonresponsive--no prosecution)                    |                          |               |
|  | N/A (nonresponsive--no prosecution)                    |                          |               |
|  | N/A (nonresponsive--no prosecution)                    |                          |               |
|  | N/A (nonresponsive--no prosecution)                    |                          |               |
|  | N/A (nonresponsive--no prosecution)                    |                          |               |
|  | United States v. William Martinez, et al.              | 03-20219-CR-Seitz        | S.D. Fla.     |
|  | United States v. Llewellyn Clarke                      | 04-20031-CR-Lenard       | S.D. Fla.     |
|  | United States v. Edwin Arrieta, et al.                 | 04-20203-CR-Middlebrooks | S.D. Fla.     |
|  | United States v. Abimel Caraballo                      | 08-20266-CR-Altonaga     | S.D. Fla.     |
|  | United States v. Carillo-Rodriguez and Cespedes-Osorio | 08-10047-CR-Martinez     | S.D. Fla.     |
|  | United States v. Cervantes, et al.                     | 08-10076-CR-Moore        | S.D. Fla.     |
|  | United States v. Alexis De La Cruz Suarez              | 08-10017-CR-King         | S.D. Fla.     |
|  | United States v. Oneche Garcia-Cordero, et al.         | 08-10057-CR-Moore        | S.D. Fla.     |
|  | United States v. Terlonge, et al.                      | 07-20534-CR-Ungaro       | S.D. Fla.     |
|  | United States v. Marcel Reboh                          | 07-20884-CR-Lenard       | S.D. Fla.     |
|  | United States v. Taylor, et al.                        | 07-20201-CR-Moreno       | S.D. Fla.     |
|  | United States v. Mezquia, et al.                       | 07-20973-CR-Altonaga     | S.D. Fla.     |
|  | United States v. Olmedo, et al.                        | 07-20759-CR-Jordan       | S.D. Fla.     |
|  | United States v. Staula, et al.                        | 07-20817-CR-Seitz        | S.D. Fla.     |
|  | United States v. Ortiz-Cordero, et al.                 | 08-21004-CR-Seitz        | S.D. Fla.     |
|  | United States v. Sanabria                              | 07-20776-CR-Seitz        | S.D. Fla.     |
|  | United States v. Granton Williams                      | 07-60250-CR-Hurley       | S.D. Fla.     |
|  | United States v. Lizabeth Pereira                      | 07-60249-CR-Hurley       | S.D. Fla.     |

Southern District of Florida  
(reported 57 cases responsive to  
email question 2)

|   |                              |           |
|---|------------------------------|-----------|
| United States v. Phillip Dunnam   | 07-60268-CR-Zloch            | S.D. Fla. |
| United States v. Twyon Johnson  | 07-20879-CR-Altonaga         | S.D. Fla. |
| United States v. Victor Sanchez   | 05-20609-CR-Graham           | S.D. Fla. |
| United States v. Miguel Alonso  | 01-00606-CR-Jordan           | S.D. Fla. |
| United States v. Guellermo Zarabozo   | 07-20839-CR-Huck             | S.D. Fla. |
| United States v. Piloto   | 08-20030-CR-Seitz            | S.D. Fla. |
| United States v. Christopher Ponce  | 08-20401-CR-Cooke            | S.D. Fla. |
| United States v. Raul de Molina   | 04-20605-CR-Lenard           | S.D. Fla. |
| United States v. Lamar, et al.  | 06-20464-CR-Cooke (Goldberg) | S.D. Fla. |
| United States v. Bernazal   | 06-20367-CR-Huck             | S.D. Fla. |
| United States v. Morales, et al.  | 06-20219-CR-Huck             | S.D. Fla. |
| United States v. Cruz, et al.   | 07-20756-CR-Dimitrouleas     | S.D. Fla. |
| United States v. Morton, et al.   | 08-20723-CR-Altonaga         | S.D. Fla. |
| United States v. Knight, et al.   | 07-20923-CR-Gold             | S.D. Fla. |
| United States v. Delacruz, et al.   | 05-20791-CR-Moreno           | S.D. Fla. |
| United States v. Ortega, et al.   | 06-20149-CR-Lenard           | S.D. Fla. |
| United States v. Granda, et al.   | 07-20155-CR-Middlebrooks     | S.D. Fla. |
| United States v. Torres, et al.   | 07-20795-CR-Moreno           | S.D. Fla. |
| United States v. Padron, et al.   | 07-20825-CR-Cooke            | S.D. Fla. |
| United States v. Figueras, et al.   | 08-20214-CR-Lenard           | S.D. Fla. |
| United States v. Crespo, et al.   | 08-20231-CR-Huck             | S.D. Fla. |
| United States v. Flores, et al.   | 08-20287-CR-Gold             | S.D. Fla. |
| United States v. Coney, et al.  | 08-20650-CR-Cooke            | S.D. Fla. |
| United States v. Roach, et al.  | 07-20585-CR-King             | S.D. Fla. |
| United States v. Philip A. Dunham   | 07-20879-CR-Altonaga         | S.D. Fla. |
| United States v. Jose Luis Wong, et al.   | 08-20380-CR-Altonaga         | S.D. Fla. |
| United States v. Hipolito Guzman and German Galvez                                    | 08-20562-CR-Huck             | S.D. Fla. |
| United States v. Ricardo Iglesias, et al.   | 04-20380-CR-Seitz            | S.D. Fla. |
| United States v. Ariel Montero, Javier Padron-Bravo, Miguel Alegria, and Raynier Pupo | 07-20309-CR-Huck             | S.D. Fla. |
| United States v. Vernet, et al.   | 06-60350-CR-Cohn             | S.D. Fla. |
| United States v. Coulton, et al.  | 07-60172-CR-Lenard           | S.D. Fla. |
| United States v. Sam Tyson, et al.  | 07-60127-CR-Dimitrouleas     | S.D. Fla. |
| United States v. Ryan Hudson  | 07-60168-CR-Ungaro           | S.D. Fla. |

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|   | United States v. Rafael Santana-Rodriguez                    | 07-60169-CR-Altonaga  | S.D. Fla. |
|   | WITHHELD (defendant or defendants acquitted)                 |                       |           |
|   | WITHHELD (defendant or defendants acquitted)                 |                       |           |
|   | N/A (same prosecution reported twice)                        |                       |           |
|   | N/A (same prosecution reported twice)                        |                       |           |
|   | N/A (nonresponsive--prosecution outside FOIA request period) |                       |           |
| Southern District of Florida<br>(reported 6 cases responsive to<br>email question 4)  | United States v. Abimel Caraballo                            | 08-20266-CR-Altonaga  | S.D. Fla. |
|   | United States v. Carillo-Rodriguez and Cespedes-Osorio       | 08-10047-CR-Martinez  | S.D. Fla. |
|   | United States v. Cervantes, et al.                           | 08-10076-CR-Moore     | S.D. Fla. |
|   | United States v. Alexis De La Cruz Suarez                    | 08-10017-CR-King      | S.D. Fla. |
|   | United States v. Oneche Garcia-Cordero, et al.               | 08-10057-CR-Moore     | S.D. Fla. |
|   | United States v. German Galvez                               | 08-20562-CR-Huck      | S.D. Fla. |
| Northern District of Indiana<br>(reported 0 responsive cases)                         | N/A (no responsive cases)                                    |                       |           |
| Eastern District of Louisiana<br>(reported 2 cases responsive to<br>email question 2) |  | 04-160 "L" &          |           |
|   | United States v. Eddie Mosley, et al.                        | 07-343 "J"            | E.D. La.  |
|   | United States v. Corey Pittman                               | 05-264 "C"            | E.D. La.  |
| Middle District of Louisiana<br>(reported 7 cases responsive to<br>email question 2)  | United States v. Michael Germany                             | 03-cr-132-FJP-CN-1    | M.D. La.  |
|   | United States v. Kreglan Dewayne Gaines                      | 03-cr-132-FJP-CN-2    | M.D. La.  |
|   | United States v. Alvin Edward Miller                         | 03-cr-132-FJP-CN-6    | M.D. La.  |
|   | United States v. Henry Bolden                                | 99-cr-119-JVP         | M.D. La.  |
|   | United States v. Willie Jones, Jr.                           | 08-cr-108-BAJ-DLD-1   | M.D. La.  |
|   | United States v. Kim Smith                                   | 08-cr-108-BAJ-DLD-6   | M.D. La.  |
|   | N/A (miscount--no other responsive cases were identified)    |                       |           |
| District of Nevada<br>(reported 2 cases responsive to<br>email question 2)            | United States v. Lori Irish                                  | 2:08-cr-117           | D. Nev.   |
|   | N/A (nonresponsive--no prosecution)                          |                       |           |
|   | United States v. Huascar Villa                               | Crim No. 08-695 (SDW) | D.N.J.    |
|   | United States v. Noel Antigua-Diaz                           | Crim No. 08-454 (SRC) | D.N.J.    |
|   | United States v. Keith Stewart                               | Crim No. 08-346 (SDW) | D.N.J.    |
|   | United States v. Shedrick Crafton                            | Crim No. 08-346 (SDW) | D.N.J.    |
|   | United States v. Lacy Goggans, et al.                        | Crim No. 02-320 (AET) | D.N.J.    |

District of New Jersey (reported  
66 cases responsive to email  
question 2)

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| United States v. Bobby Gadsden             | Crim No. 08-73 (MLC)                              | D.N.J. |
| United States v. Kreig Prosper, et al.     | Crim No. 06-309 (SRC)                             | D.N.J. |
| United States v. Mohammad Afzal            | Crim No. 03-753 (DHC)                             | D.N.J. |
| United States v. Gantt and Taylor          | Crim No. 06-699 (RBK)                             | D.N.J. |
| United States v. Michael Powell            | Crim No. 08-592 (JHR)                             | D.N.J. |
| United States v. Thomas Telfair            | Crim No. 07-272 (DMC)                             | D.N.J. |
| United States v. Brown, et al.             | Crim No. 06-126 (JES)                             | D.N.J. |
| United States v. Frank Barbera             | Crim No. 07-896 (RBK)                             | D.N.J. |
| United States v. Edward DiNicolantonio     | Crim No. 07-365 (JHR)                             | D.N.J. |
| United States v. Moises Mauricio           | Crim No. 08-505 (FSH)                             | D.N.J. |
| United States v. Daniel Fermin             | Crim No. 08-396 (FSH)                             | D.N.J. |
| United States v. Javier Nunez              | Crim No. 08-437 (NLH)                             | D.N.J. |
| United States v. Quameen Williams, et al.  | Crim No. 08-09 (KSH)                              | D.N.J. |
| United States v. Jayson Maldonado          | Crim No. 06-6007 (MAS) & Crim<br>No. 08-857 (DRD) | D.N.J. |
| United States v. Juan Henriquez            | Crim No. 07-3190 (PS) &<br>Crim No. 09-0008 (JLL) | D.N.J. |
| United States v. Jamal Claxton             | Crim No. 07-115 (PGS)                             | D.N.J. |
| United States v. Noah Cuebas               | Crim No. 06-613 (JAG)                             | D.N.J. |
| United States v. Enzo Maggiore             | Crim No. 08-259 (JEI)                             | D.N.J. |
| United States v. Jermaine Mason            | Crim No. 08-100 (JEI)                             | D.N.J. |
| United States v. Michael Melvin            | Crim No. 06-33 (FSH)                              | D.N.J. |
| United States v. Chorika Henderson         | Crim No. 08-213 (WHW)                             | D.N.J. |
| United States v. Rashima Wiley             | Crim No. 08-213 (WHW)                             | D.N.J. |
| United States v. Jacob Kim, et al.         | Crim No. 07-492 (PGS)                             | D.N.J. |
| United States v. Se Ran Cho                | Crim No. 08-623 (PGS)                             | D.N.J. |
| United States v. Olson                     | Crim No. 07-847 (DMC)                             | D.N.J. |
| United States v. Szurko                    | Crim No. 07-999 (DMC)                             | D.N.J. |
| United States v. Miguel Velazquez, et al.  | Crim No. 05-601 (FSH)                             | D.N.J. |
| United States v. Eric Fuentes, et al.      | Crim No. 04-595 (AET)                             | D.N.J. |
| United States v. Adolfo Leon Gomez, et al. | Crim No. 03-853 (WHW)                             | D.N.J. |
| United States v. Wilfredo Rodriguez        | Crim No. 04-857 (DRD)                             | D.N.J. |
| United States v. Julio Garcia Rosado       | Crim No. 04-471 (WJM)                             | D.N.J. |
| United States v. Rosado                    | Crim No. 08-284 (JAP)                             | D.N.J. |



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| United States v. Green                     | Crim No. 08-562 (JAP)  | D.N.J. |
| United States v. Fleshman                  | Crim No. 08-167 (JAP)  | D.N.J. |
| United States v. Desa                      | Crim No. 08-276 (JAP)  | D.N.J. |
| United States v. Carrion-Soto              | Crim No. 06-906 (JBS)  | D.N.J. |
| United States v. Shaw                      | Crim No. 08-294 (RMB)  | D.N.J. |
| United States v. Kurtis Brown              | Crim No. 07-19 (RBK)   | D.N.J. |
| United States v. Casson Coward             | Crim No. 07-889 (RMB)  | D.N.J. |
| United States v. Kevin Mayfield            | Crim No. 07-801 (RMB)  | D.N.J. |
| United States v. Matthew Thompkins, et al. | Crim No. 05-888 (FLW)  | D.N.J. |
| United States v. Peralta Pimental, et al.  | Crim No. 06-736 (RBK)  | D.N.J. |
| United States v. Williams                  | Crim No. 06-703 (JHR)  | D.N.J. |
| United States v. Cong Chi Dinh             | Crim No. 04-49 (JBS)   | D.N.J. |
| United States v. Ramiro Caamano, et al.    | Crim No. 04-797 (SRC)  | D.N.J. |
| United States v. Jaron Burnett             | Crim No. 07-427 (RMB)  | D.N.J. |
| United States v. Frank Czerwinski          | Crim No. 08-708 (JBS)  | D.N.J. |
| United States v. Edward Perez              | Crim No. 08-91 (RMB)   | D.N.J. |
| United States v. Jorge Maldonado           | Crim No. 07-387 (RMB)  | D.N.J. |
| United States v. Alfred Austin             | Crim No. 07-580 (RMB)  | D.N.J. |
| United States v. Aaron Morris              | Crim No. 07-418 (DRD)  | D.N.J. |
| United States v. Espinosa                  | Crim No. 08-51 (FLW)   | D.N.J. |
| United States v. Bonilla-Alcantara         | Crim No. 08-496 (SDW)  | D.N.J. |
| United States v. Enrique Estrella          | Crim No. 08-656 (SDW)  | D.N.J. |
| United States v. Jasmine Ramos             | Crim No. 08-815 (SDW)  | D.N.J. |
| United States v. Daniel Ramos-Torres       | Crim No. 08-495 (SDW)  | D.N.J. |
| United States v. Alfonso Blacio Moran      | Crim No. 08-497 (SDW)  | D.N.J. |
| United States v. William Ortega            | Crim No. 07-438 (KSH)  | D.N.J. |
| United States v. Renan Ortega              | Crim No. 07-438 (KSH)  | D.N.J. |
| United States v. Johnny Vallejo            | Crim No. 07-636 (KSH)  | D.N.J. |
| United States v. Berrios                   | Crim No. 07-454 (AET)  | D.N.J. |
| United States v. Mario Estrada-Espinoza    | Crim No. 09-0155 (RMB) | D.N.J. |
| United States v. Huascar Villa             | Crim No. 08-695 (SDW)  | D.N.J. |
| United States v. Noel Antigua-Diaz         | Crim No. 08-454 (SRC)  | D.N.J. |
| United States v. Keith Stewart, et al.     | Crim No. 08-346 (SDW)  | D.N.J. |
| United States v. Javier Nunez              | Crim No. 08-437 (NLH)  | D.N.J. |

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| District of New Jersey (reported<br>17 cases responsive to email<br>question 4) | United States v. Quameen Williams, et al. | Crim No. 08-09 (KSH)     | D.N.J. |
|   | United States v. Jacob Kim, et al.        | Crim No. 07-492 (PGS)    | D.N.J. |
|   | United States v. Se Ran Cho               | Crim No. 08-623 (PGS)    | D.N.J. |
|   | United States v. McCombs, et al.          | Crim No. 07-CR-613 (SDW) | D.N.J. |
|   | United States v. Charles Chapple          | Crim No. 08-932 (AET)    | D.N.J. |
|   | United States v. Asare                    | Crim No. 09-317 (FLW)    | D.N.J. |
|   | United States v. Espinosa                 | Crim No. 08-51 (FLW)     | D.N.J. |
|   | United States v. Bonilla-Alcantara        | Crim No. 08-496 (SDW)    | D.N.J. |
|   | United States v. Enrique Estrella         | Crim No. 08-656 (SDW)    | D.N.J. |
|   | United States v. Jasmine Ramos            | Crim No. 08-815 (SDW)    | D.N.J. |
|   | United States v. Daniel Ramos-Torres      | Crim No. 08-495 (SDW)    | D.N.J. |
|   | United States v. Alfonoso Blacio Moran    | Crim No. 08-497 (SDW)    | D.N.J. |

# **EXHIBIT R**

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November 22, 2013

MELINDA HAAG  
United States Attorney  
Northern District of California  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102

Re: *United States v. Madjarian et al*, CR-08-0307 MMC

Dear Ms. Haag:

Counsel for each of the defendants in the above case (Serge Zadikian, Artaches Ter Mkrtychyan and Sarkis Madjarian) have received letters from the American Civil Liberties Union indicating the case has been identified, during the course of FOIA litigation in the District of Columbia, as a case in which the defendants were subjected to warrantless cell phone tracking.

Defense counsel have spoken with the ACLU, who indicated the warrantless cell phone tracking in this case was identified by the Department of Justice, in response to a court order requiring the D.O.J. to inform the ACLU of the docket numbers of cases in which the government employed cell monitoring without obtaining a warrant. Apparently, there were about 160 such letters sent to various defense counsel in the Northern District of California. Attached to this letter is a copy

of the Department of Justice's preliminary response in the District of Columbia FOIA action, the D.C. Court's ruling on the issue, and the resulting list of case numbers produced by the local United States Attorneys.

As you are likely not aware, in the *Madjarian* case there was no indication from the government that the defendants had been subjected to cell phone tracking of any sort. The parties litigated defense discovery motions regarding a wiretap on a phone belonging to one David Aguilera, and in the course of that litigation the government extensively argued that supposed physical surveillance of the defendants had led to a car stop and search by the California Highway Patrol. The government's showing was based in part on declarations by FBI Special Agents Peagler and Biehn. However, neither the agents' declarations nor the related FBI reports mentioned the FBI using cell phone tracking, as opposed to physical surveillance. Defendants now question the accuracy of the government's description of the supposed physical surveillance of the defendants.

Based on the agents' supposed physical surveillance, the government successfully argued that the car search was "attenuated" from the Aguilera phone intercepts. The Court accordingly denied the defendants the opportunity to challenge the validity of the Aguilera wiretaps. Obviously, the defendants were also denied an opportunity to challenge the lawfulness of the government's tracking of the defendants' cell phones..

All three defendants are now investigating possible habeas corpus petitions asserting denial of Fifth Amendment *Brady* rights, as well as possible issues of egregious government misconduct and fraud on the Court. Defendants assert they will certainly make a "good cause" showing supporting discovery once habeas petitions are filed (see, e.g., *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997)), but hope to make a preliminary determination as to whether such petitions should be filed. To this end, and to allow the defendants a fair opportunity to investigate whether the government misled them and the Court in the course of the pre-trial litigation of the wiretap attenuation issue, defendants request that the Northern District U.S. Attorney immediately disclose the following:

- (1) Specification of the cell phones the FBI, or any other law enforcement agency, tracked in this case;
- (2) Any pleadings, subpoenas, court orders or other documents indicating any court was informed of the government's cell phone tracking in this case;
- (3) The scope and duration of the cell phone tracking employed in this case, including any documentation of the tracking;
- (4) Specification of how the cell phone tracking was accomplished (i.e. "real time" enhanced GPS tracking or historical cell site data).

This information is not available to the defendants through any other source. As noted, until the government identified this case to the ACLU, the government had not previously admitted that cell phone tracking occurred, much less provided discovery regarding its surveillance of the defendants' phones. In addition, it is our understanding that the government has disclosed only the case number to the ACLU, without any related documentation of the scope or nature of the cell phone tracking the government employed.

If you would care to discuss this matter further, please contact me at the above phone number or email. If the government declines to make the requested information available, please so inform defense counsel as soon as possible, so that defendants can proceed with their habeas petitions and/or alternate discovery proceedings.

Sincerely,

MARK ROSENBUSH  
On Behalf of All Counsel

cc: Hon. Maxine Chesney  
AUSA Kirstin Ault, NDCA

# **EXHIBIT S**



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**February 12, 2013**

MELINDA HAAG  
United States Attorney  
Northern District of California  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102

*Re: United States v. Madjarian et al, CR-08-0307 MMC*

Dear Ms. Haag:

On or about December 6, 2013, I, on behalf of counsel for each of the defendants in the above matter (Serge Zadikian, Artaches Ter Mkrtichyan and Sarkis Madjarian), delivered to your office and the Court a letter seeking further details concerning the government's admitted use of warrantless cell phone tracking in the defendants' case. As you will recall, the *Madjarian* matter was on a list of cases your office identified, in response to a judgment in a FOIA case brought by the ACLU in New York, as cases in which Northern District of prosecutors or agents utilized cell tracking without obtaining a warrant.

In response to our letter asking for more details regarding the scope of the government's use of cell phone tracking in this case, we have heard nothing. As we previously indicated, we are investigating potential habeas petitions. Given that such a petition must be filed in a timely

manner following the disclosure of operative facts supporting the petition, we must move forward with our investigation as quickly as possible. Therefore, please inform us whether or not the government plans to make any additional information available concerning its use of cell phone tracking in this case. If we do not hear anything by February 24, 2014, we will simply proceed with the habeas petitions and seek further information through discovery.

Sincerely,

MARK ROSENBUSH  
On Behalf of All Counsel

cc: Hon. Maxine Chesney  
AUSA Kirstin Ault, NDCA